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CIVIL REPORT

1879.

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REPORT

ON THE

ADMINISTRATION OF CIVIL JUSTICE

IN THE

PUNJAB AND ITS DEPENDENCIES,

DURING THE YEAR

1879.

Published by Authority.

LAHORE.

PRINTED AT THE CENTRAL JAIL PRESS.

1880.

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No. 1651 OF 1880.

FROM

T. O. WILKINSON, ESQUIRE,

Officiating Registrar Chief Court, Punjab.

To

W M. YOUNG, ESQUIRE,

Secretary to Government, Punjab.

Dated Lahore, the 7th June 1880.

SIR,

I AM directed by the Judges of the Chief Court to submit the prescribed Statements and Report on the Administration of Civil Justice in the Punjab during the year 1879.

Dates of receipt of divisional reports.

2. The divisional reports were received in this office on the following dates:—

Hissar, 23rd February.	Peshâwar, 23rd March.
Jullundur, 8th March.	Umballa, 29th March.
Lahore, 17th March.	Delhi, 3rd April.
Rawalpindi, 17th March.	Amritsar, 23rd April.
Mooltan, 17th March.	Derajat, 3rd May.

The last amended return was received back on the 27th May.

Arrangement of report.

3. The subjects noticed fall as usual under the following divisions and headings:—

Part I.—Original Courts.

A. Institution of suits.
B. Disposal of original suits.
C. Miscellaneous suits.
D. Classification of suits.
E. Value and cost of suits.
F. Agency for the disposal of suits.
G. Execution of decrees.
H. Witnesses.

Part II.—Small Cause Courts.

Part III.—Appellate Courts.

A. District Courts.
B. Commissioners' Courts.
C. Chief Court.

Part IV.—Procedure.

PART I.—ORIGINAL COURTS.

A.—INSTITUTION OF SUITS.

Original institutions during the year.

4. The original civil litigation, as instituted in all the Courts of the Punjab in 1879, amounted to 244,187 cases, being a decrease of 2058 or 0·8 per cent. on the 246,245 institutions of 1878. Institutions were unusually large in the latter year, when litigation was recovering from the check it received in the exceptional circumstances of the year preceding.

Fluctuations in the different classes of Courts.

5. The fluctuations in institutions in the various classes of Courts, during the six years preceding, as compared with 1879, are shown in the following table:—

Class of Court.	1873.	1874.	1875.	1876.	1877.	1878.	1879.
Chief Court	9	17	15	16	14	2	4
District Courts	184,688	189,250	193,725	217,244	215,379	223,075	225,841
District Small Cause Courts ...	30,964	34,951	30,058	14,925	12,478	14,515	11,695
Cantonment Small Cause Courts	6,203	6,431	6,809	7,611	7,465	8,653	6,647
Total ...	221,864	230,649	230,607	239,796	235,336	246,245	244,187

General results commented on.

6. It will be observed that the aggregate decrease results from the decrease in institutions in Small Cause Courts, whether District or Cantonment; and that in District Courts of ordinary jurisdiction, there is an increase amounting to 2,766 or 1·2 per cent. in the institutions of 1879 over the corresponding figures of 1878. A comparison of institutions in such Courts carried back farther than 1878, would be misleading by reason of the changes made in recent years in the number, as well as in the limits of the territorial jurisdiction, of District Small Cause Courts. A large mass of cases, which in former years would have been heard in Small Cause Courts, were brought by the operation of those changes within the cognizance of District Courts.

The administration of Small Cause Courts will be fully reviewed in Part II. of this report.

Increase and decrease localized.

7. There is an increase, varying from 48 per cent. in Bannu to 0·2 per cent. in Jhelum, in 17 districts. In the remaining 15 there is a decrease which is largest (23 per cent.) in Hazara, and which gradually descends till it reaches 0·4 in Gujranwala.

A grouping of districts, without absolute precision as to contiguity, according to increase and decrease, shows that the former appears in widely varying degrees in Karnál, Gurgaon, Hissar and Sirsa; again in Ludhiána, Ferozepore and Jullundur; and again in the districts of the Deraját, Mooltan, and Rawalpindi Divisions, with the one exception of the Rawalpindi District in the Division last named.

The Rawalpindi district joins those of the Pesháwar Division in showing a decrease, while in the remainder of the Province the districts of Rohtak, Dehli, Umballa, Simla, Kángra and Hoshiárpur on the one side, and Lahore and Gujranwala on the other, share the decrease with the districts of the Amritsar Division.

Districts in which increase exceeds ten per cent.

8. The following is a list of the Districts, without reference to their relative position, in which the proportion of increase exceeds 10 per cent:—

Bannu	48	per cent.
Dera Ghází Khan	32	„ „
Jullundur	21	„ „
Karnal	18	„ „
Hissar, Muzaffargarh	15	„ „
Mooltan	14	„ „

The increase in each of the districts of Bannu, Muzaffargarh and Mooltan is attributed to the closing of the Settlement Courts, and in the second and third to high prices in addition preventing debtors from meeting their engagements without the intervention of the Courts. The latter cause is also assigned for the Dera Ghází Khan increase. In Jullundur and Karnál it is believed that litigation was recovering from the stoppage in 1878, occasioned in the one

district by sickness, and in the other by scarcity; while the Deputy Commissioner of Hissar thinks, that increased prosperity has led creditors in his district to resort to the Courts in the hope of realizing outstandings with their assistance.

Districts in which decrease exceeded ten per cent

9. The following are the districts, arranged solely in order of percentage of decrease, in which the proportion of such decrease exceeded 10 per cent. *viz.*,

Hazára	23	per cent.
Lahore	19	„ „
Delhi	18	„ „
Siálkot	15	„ „
Umballa	11	„ „

The Hazara decrease is attributed partly to high prices and partly to the cholera prevalent during a portion of the year; that in Lahore to a return to the normal condition of litigation after the extraordinary increase in 1878; in Delhi to sickness; and in Siálkot to the improved condition of the agriculturist; while the Umballa decrease has not been explained.

B.—Disposal of Original Suits.

10. Imperial Return No. 8 (Appendix) furnishes information regarding the general result of original civil litigation in the province.

Suits for disposal.

11. The total number of cases for disposal amounted to 267,887, an increase of 0·9 per cent. over the original business for disposal in 1878. The above figures include 14,730 cases pending from the preceding year, 8,880 re-admitted and 90 received by transfer.

Suits disposed of.

12. The disposals of the year numbered 253,090, and bore a proportion of 94·5 per cent. to the total for disposal. There were thus 14,797 cases, or 5·5 per cent. of the entire original litigation, awaiting disposal at the close of the year. These percentages are exactly the same as those of 1878; but, while there was an increase of 67 cases on the pending file, the actual out-turn of work in the year under report exceeded that in 1878 by 2,229 cases.

Details of disposal.

13. Details of the disposal of cases are given in the table which follows:—

30 per cent. were disposed of without decree;

39 per cent. were disposed of with decree but without contest;

23 per cent. were disposed of after contest by decree wholly or partially in favor of plaintiff, and

8 per cent. were disposed of after contest by a decree in favor of defendant.

As compared with the results of the working of 1878, there was a decrease of 2 per cent. in contested cases. The decrease in this class of suits has occurred gradually each year from 36 per cent. in 1875 to 31 per cent. in 1879. The decrease in decrees after contest in 1879 was equally divided between decrees wholly or partially in favor of plaintiff and decrees in favor of defendant.

Rohtak, Hoshiárpur Gujrat, Shahpur, Mooltan, Dera Ismail Khan and Kohat.

The percentage of contested cases was lowest (19) in the districts of Hissar and Jhang; and in the districts of the Delhi Division and those named in the margin, it did not reach 30 per cent. It was highest, as last year, but with a decrease of 3 per cent., (from 49 to 46) in Peshawar, and it amounted to or exceeded 40 per cent. in the following districts, *viz.*, Bannu, Hazára, Sirsa and Jhelum.

Further details.

14. Comparative details of disposal for each district during the two years, will be found in the following statement:—

1	2	3	4	5	6	7	8	9	10	11	12	13
		Percentage of Cases.									Average Duration	
DISTRICT.	Year.	Dismissed on default.	Withdrawn with leave, Sec. 373 Act X of 1877.	Decided *ex-parte*.	Decided by confession.	By compromise, including adjustments under Sec. 375 Act X of 1877.	Referred to arbitration.	Contested and decided in favor of plaintiff.	Contestd and decided in favor of defendant.	Percentage of contested cases decided in favor of plaintiff to the number contested.	In contested cases.	In uncontested cases.
Delhi	1878	9	·6	8	27	26	1	20	9	70	27	14
	1879	8	·4	9	28	26	1	20	8	71	28	13
Gurgaon	1878	11	·2	9	28	30	1	16	6	74	22	17
	1879	15	·1	9	22	32	2	14	7	66	27	12
Karnál	1878	19	·3	7	21	28	3	18	6	74	27	15
	1879	23	·6	8	22	26	2	14	6	71	32	21
Hissar	1878	9	3	10	28	29	2	15	6	71	28	15
	1879	12	1	9	25	34	1	12	7	65	24	14
Rohtak	1878	7	1	7	26	28	·8	23	8	75	31	17
	1879	10	1	7	22	31	1	22	7	75	36	19
Sirsa	1878	11	3	10	16	18	3	23	19	55	26	17
	1879	18	1	5	12	23	·2	19	22	46	27	18
Umballa	1878	12	·7	11	18	28	2	22	8	72	21	18
	1879	13	1	10	15	29	1	23	9	74	20	10
Ludhiána	1878	12	1	4	16	29	1	23	15	61	21	15
	1879	12	1	5	18	29	1	24	11	71	26	16
Simla	1878	8	3	19	17	13	1	32	8	80	16	16
	1879	9	3	28	19	9	1	23	9	71	23	18
Jullundur	1878	16	1	9	15	28	·9	23	8	75	35	21
	1879	15	2	10	18	24	1	23	8	75	34	18
Hoshiárpur	1878	20	·1	9	28	16	·5	19	7	73	30	22
	1879	23	·2	11	24	14	1	21	7	75	42	24
Kángra	1878	13	·6	9	24	14	2	28	11	72	24	16
	1879	14	1	8	25	13	1	29	10	74	26	16
Amritsar	1878	17	·8	9	19	18	·9	27	9	76	37	21
	1879	18	1	8	24	17	1	24	8	75	32	18
Gurdáspur	1878	18	·2	9	12	24	2	29	7	82	30	24
	1879	21	·4	10	9	26	2	27	6	80	36	27
Siálkot	1878	24	·2	10	23	15	1	22	5	80	26	18
	1879	22	·3	9	19	15	1	26	8	76	27	19
Lahore	1878	16	·5	12	13	24	·9	25	9	72	19	15
	1879	15	·6	12	17	24	1	22	9	70	18	11
Gujránwála... ...	1878	15	·5	9	25	17	3	25	8	75	26	15
	1879	16	·5	11	18	24	2	22	8	72	28	20
Ferozepore	1878	19	4	7	26	14	2	19	11	64	23	12
	1879	17	1	8	26	18	1	20	10	67	23	15
Rawalpindi	1878	16	·8	11	15	15	3	32	10	75	28	19
	1879	17	·7	11	13	19	2	28	11	71	28	20
Jhelum	1878	14	2	6	16	30	2	23	10	69	22	18
	1879	14	2	7	13	24	2	27	13	63	27	29
Gujrat	1878	22	·4	6	14	28	2	20	9	69	38	22
	1879	22	·3	7	13	30	2	19	9	68	48	29
Shahpur	1878	23	·9	9	13	30	3	17	7	71	48	29
	1879	15	1	9	18	31	3	19	7	72	33	21
Mooltan	1878	20	·9	9	28	16	2	18	8	70	22	13
	1879	22	2	8	27	12	1	17	12	59	28	13
Jhang	1878	16	·8	11	12	33	·5	20	7	75	26	17
	1879	22	·4	11	12	35	1	13	6	66	39	22
Montgomery ...	1878	17	·8	10	7	34	2	22	9	70	30	20
	1879	19	1	11	8	30	2	21	10	68	30	19
Muzaffargarh ...	1878	17	·8	9	22	30	1	18	3	83	26	17
	1879	19	1	8	20	29	·4	19	4	83	25	18
Dera Ismail Khan ...	1878	15	4	10	16	29	2	19	6	78	21	16
	1879	15	4	9	13	31	1	21	7	75	21	16
Dera Ghází Khan ...	1878	16	1	6	19	23	2	25	9	74	20	11
	1879	11	1	9	18	29	1	27	5	84	19	14
Bannu	1878	12	4	9	16	18	2	30	11	73	23	19
	1879	11	4	8	12	21	5	32	12	72	34	27
Peshávar	1878	15	2	8	11	15	2	35	14	72	18	15
	1879	16	1	10	12	15	2	30	16	65	24	17
Hazára	1878	14	3	8	30	6	2	29	10	74	14	13
	1879	17	3	7	18	13	5	31	11	73	13	9
Kohát	1878	14	3	9	18	26	·7	22	8	73	32	28
	1879	18	2	16	18	19	1	21	6	78	32	18
Total ...	1878	16	1	9	19	22	1·6	24	9	74	27	18
	1879	17	1	10	18	23	2	23	8	73	29	18

15. Seventeen per cent. of disposed-of cases were dismissed on default, showing an increase of one per cent. as compared with similar disposals in 1878. Applications for re-admission were presented in respect of 19 per cent. of the suits so dismissed, being again an advance of one per cent. in comparison with similar disposals in 1878, and, of the applications so presented, 77 per cent. were admitted. Altogether 14 per cent. of the cases dismissed on default were restored to the register, and fresh suits were brought in respect of 18 per cent. of the remainder.

Cases dismissed in default.

The proportion of dismissals on default exceeded 20 per cent. in each of the seven districts marginally noted; but the most noticeable rise in the percentage of dismissals occurred in the districts of Jhang and Sirsa (6 and 7 per cent. respectively).

*Karnal, Hoshiárpur, Gurdaspur, Sialkot, Gujrat, Mooltan and Jhang.

Applications for the restoration to the register of cases so dismissed were most numerous and most readily granted in the Siálkot, Hoshiárpur and Gurdáspur districts. They were less freely made in the districts of Sirsa and Jhang; but the proportions granted of such as were made in those districts were large.

The proportion of dismissals on default did not exceed 10 per cent. in any of the following districts, *viz.*, Delhi, Rohtak and Simla. The most notable decrease was that from 23 to 15 per cent. in the Shahpur District, and next that from 16 to 11 per cent. in Dera Ghází Khan. The Deputy Commissioner of Shahpur does not notice the point, although, as stated in paragraph 14 of last year's report, the large proportion of dismissals in 1878 caused the Commissioner to entertain doubts, whether the local Courts were duly careful to inform plaintiffs of the dates fixed for hearing. The correspondence which ensued did not elucidate the matter; but it is possible that it led to greater care in hearing cases at the places and on the dates fixed.

16. Decrees *ex-parte* rose from 9 per cent. in 1878 to 10 per cent. in 1879. The increase from 19 to 28 per cent. in the Simla District, where, from local circumstances, such results are always conspicuous, and from 9 to 16 per cent. in that of Kohát, were the chief factors of this increase. In neither of these districts were applications to set aside *ex-parte* decrees unusually numerous. Such decrees were fewest in the *Sirsa and Ludhiána Districts (5 per cent. in each), showing in the former a decrease of 5 per cent., and in the latter an increase of one per cent., on the results of 1878.

Decrees *ex-parte*.

Applications were made to set aside 9 per cent. of decrees passed *ex-parte*, and 65 per cent. of such applications were successful.

17. Awards to the number of 3,686 were presented in the 3,779 references to arbitration made during the year. The remainder of the cases so referred was not decided by the end of the year. References to arbitration found most favor in the districts of Bannu and Hazára (5 per cent. in each) and Shahpur (3 per cent.). The proportion fell short of one per cent. in the Muzaffargarh District alone in 1879, whereas in 1878 there were seven districts with proportions below one per cent. References to arbitration appear to have been most frequent in the Courts of Tahsíldárs and Honorary Civil Judges. In 4 cases, one in each of the districts of Siálkot, Gujránwála, Jhelum and Jhang, as compared with 82 cases in the previous year, the award was set aside.

References to arbitration.

18. Of the 14,797 cases pending at the end of the year, 933, or 6 per cent. were of more than 2, and 140 or one per cent. of over 4, months' duration. The corresponding figures in 1878 were respectively 4, and 1 4 per cent. The increase in 1879 of long pending cases is probably due to the closing of the Civil Courts during the last eighteen days of December.

Pending cases.

Numerically the heaviest pending file was, as last year, in the Hoshiárpur District. As compared with 1878, however, the closing balance was less by 167 cases. The largest number of cases pending over 2 months (188) was in the Gujrát District; and of cases exceeding 4 months in duration (25) in that of Gurgaon. Regarding the cases of long duration in the Gujrat District, no special explanation has been furnished; the general explanation of long average duration will be found in para. 19. With regard to the 25 cases of more than four months' duration in the Gurgaon District, it is stated that they were in the Court of the Honorary Civil Judge of Farakhnaggar, who ceased working in October, and neglected to send pending Civil cases to the Deputy Commissioner for distribution to other Courts.

The oldest pending case is that mentioned in two successive reports, as remaining on the Rawalpindi District file. It is satisfactory to know that it has been so disposed of during the current year as to render its re-appearance in any Court improbable.

Average duration.

19 The average duration of contested cases rose from 27 to 29 days. In uncontested cases it was 18 days in both years.

In contested cases the average was highest in Gujrat (43 days), Hoshiárpur (42) Jhang (39), and Rohtak (36). It was low in the following, *viz.*, Hazára (13 days), Lahore (18), and Dera Ghází Khan (19).

The high average in Gujrát is attributed to an increase in land suits, and to the staff of officers at the Sadr having been weakened during a great part of the year. In Hoshiárpur the general increase is said to be due mainly to the increased average in the Sadr Courts, where the more complicated suits are decided. In Jhang it is explained, the trial of land suits has been transferred from the Settlement to the District Courts ; the district staff was weak towards the end of the year, and cholera in July interrupted the despatch of business The delay in the Rohtak District is said to have arisen from the trial of several complicated land cases, the transfer of officers, and the difficulty of effecting service beyond the limits of the District.

Average number of appearances.

20 The average number of attendances required of the parties, which in twelve Districts did not exceed 2, was, as in 1878, 3 for the entire province

Plaints rejected or returned.

21. Rejections and returns of plaints were not so numerous by 269 as in 1878. They exceeded 500 in Hoshiárpur and 300 in each of the districts of Umballa and Gurdáspur.

C.—Miscellaneous Cases.

Miscellaneous cases disposed of.

22. Applications for execution of decrees, and cases connected with their execution, amounted to 150 582. Exclusive of these, which will later on (Part I G.) be fully reviewed, miscellaneous cases to the number of 51,505 were disposed of in 1879, compared with 40,749 in the preceding year.

Variations in certain classes.

23. The most noteworthy features in these classes are as follow :—

Increase in applications under Act XXVII of 1860.

Applications in 1879, under Act XXVII of 1860, show an increase of 440, or 64 per cent. over the number made in 1878. In the latter year a decrease of 63 on the totals of 1877 was noted. Nowhere is the increase in the year under report so marked as in the Delhi District, wh re, after falling from 57 in 1877 to 8 in 1878, they rose to 112. The Lahore numbers have increased from 145 to 175, or 4 more than the total of 1877. There was a rise in 1879 of 64 such applications in the Umballa District.

Probably the numbers in these districts and elsewhere, would not be so great if some of the Courts did not apply Section 2 of the Act with too little regard to the saving clause with which it ends.

The chief decrease, *viz.*, from 19 to 10 was in the Gujránwála District. The topic has not been noticed in the reports of any of the districts above named.

A comparative view of the provincial totals of these applications for 1879, and the 4 years immediately preceding is given below :—

1875.	1876.	1877.	1878.	1879.
544	609	749	686	1126.

Applications under Acts XL of 1858 and IX of 1861.

Applications under Acts XL of 1858 and IX of 1861, have exactly doubled, having risen from 119 to 238. Of these 77 were presented in the Hoshiárpur District Court alone. Beyond recording the fact that such applications have nearly doubled, the Deputy Commissioner takes no further notice of these figures.

Increase in applications under Sections 7 and 8 of Regulation XVII of 1806.

The steady increase of recent years in cases under Sections 7 and 8 of Regulation XVII of 1806 was matter of comment in last year's report, when the year's totals amounted to 386. They increased in 1879 to 540. That there were as apprehended, differences in the method of recording operations under this Regulation, was elicited by the inquiry mentioned as in pro-

gress at the close of paragraph 22 of the report for 1878. Uniformity was enjoined in the preparation of the returns for 1879, and it is hoped that the above figures represent accurately applications by mortgagors under Section 7, and by mortgagees for issue of notice under Section 8 only,—suits brought after the expiry of the year of grace to declare the property foreclosed being classed as regular suits Assuming the statistics to have been compiled throughout on one system, Hissar again heads the list, but with an increase from 74 to 101 applications. In Umballa they rose from 42 to 69. No such application was made in 1878 in any of the districts of the Mooltan, Derajat, or Pesháwar Divisions. The returns of the entire Pesháwar Division show a blank under this heading in 1879, but there were 3 cases in the Deraját Division, and 2 in that of Mooltan, while the Ráwalpindi divisional total has risen from 3 to 26, the cases being almost equally divided between the Rawalpindi and Shahpur Districts, and none occurring in either Jhelum or Gujrát. The chief falling off in the province (from 56 to 41) appeared in the Gujránwála returns. Explanations of the increase or decrease above noted are not furnished in the local reports.

Petitions for review of judgment.

24. Petitions for review of judgment rose from 2,098 to 2,195. They varied in number from 243 in Amritsar, 228 in Siálkote, and 184 in Jullundur to 8 in the Gurgaon District, and to 4 in each of the Districts of Hissar, Hazára, and Kohat. These petitions were thus disposed of throughout the province:—

		Number.	Percentage.
Struck off for default	...	208	9
Rejected on the merits	...	682	31
Admitted ...	...	1,305	60

In 54 per cent. of the cases in which the petition for review was admitted, the orders originally passed were affirmed, and in 46 per cent. they were modified or reversed. The corresponding proportions in 1878 were 51·3 and 48·7 per cent respectively. In 1879, 27 6 per cent. of the applications made were ultimately successful.

Decrease in applications for permission to sue *in formá pauperis.*

25. Applications for permission to sue *in formá pauperis* numbered 1,222 in the year under report, being 67 less than the previous year's total. They were most numerous in the Ludhiána District (222 petitions of which 183 were admitted). In Siálkot the total of 139, of which 83 were admitted, shows an increase of 76 over the district figures of 1878. In Hissar there were but 3, and in Simla 2 such applications; but the actual decrease was most marked in Hoshiárpur with 48 and Lahore with 51 fewer petitions of this nature than in 1878.

Applications for the filing of private awards.

26. Applications for the filing in Court of private awards increased from 41 to 71. Throughout the Delhi, Hissar, Umballa and Mooltan Divisions, no such application was made, while there was but one in the Rawalpindi Division. These applications were presented chiefly in the districts of Dera Gházi Khan (23), Kohat (15), and Ferozepore (10).

Increase in "references from other districts."

27. References from other districts numbered 19,041. They advanced by 15·3 per cent. in 1878, and the returns of 1879 show a still further increase of 4 per cent. The Amritsar and Gurdáspur Districts had the largest numbers (the former 2,668 and the latter 2,026.) Dera Gházi Khan, on the other hand, received only 54.

Delay in the disposal of processes from other districts.

28. Complaints are made in several reports of the dilatoriness with which receiving districts deal with these references, and the Judges have noticed how generally delay in the disposal of cases is attributed to the failure of service or return of summonses sent to other districts. Processes from other districts should receive attention as prompt and complete as that given by each district staff to its own.

D—Classification of Suits.

29. Imperial Return No 6 classifies suits in the manner required by the Government of India.

Further details are given in the following comparative statement:—

	1876.	1877.	1878.	1879.
Suits for money due on registered bonds ...	12,042	8,528	8,014	6 142
Do. do. unregistered bonds	75,791	73,485	78,531	81,962
Do do. otherwise than on bonds	98,451	99,719	102,928	98,521
Do. for breaches of contract	1,611	1,688	2.162	2,957
Do. for rent other than of land	2,845	2,636	2,800	3 125
Do. for damages	2,226	2.288	2,130	1,835
Do. for recovery of personal property or value thereof	11,454	18,220	14 898	14,026
Do. relating to marriage, dower and divorce	3,269	3,572	2,969	3,093
Do. do. to inheritance	4,036	3,488	2.594	4,376
Do. do. to revenue	6.653	6,622	6,853	3,946
Do. do. to mortgages of immovable property	2,868	2,966	3,546	3,502
Do. for partition of immovable property	938	907	806	534
Rent suits not under the Punjab Tenancy Act	4,846	4,734	5,263	6,330
Suits under the Punjab Tenancy Act. — To establish or contest rights of occupancy (Sections 5, 6 and 8.)	818	712	456	588
Suits under the Punjab Tenancy Act. — Connected with rent (Sections 10, 11, 14, 15 and 18)	291	372	531	480
Suits under the Punjab Tenancy Act. — Connected with ejectment (Sections 19, 20, 25, and 26)	1,135	928	658	1,169
Other suits	10,224	10,379	8,126	12,516
TOTAL	239,498	236,245	243,265	245,102

Changes in provincial classification.

30. Certain changes were introduced towards the end of 1878 into the Provincial system of classification, which took effect during the year under report. These changes aimed at no more than making the Sub-Divisions more precise, and minute instructions for the compilation of the returns were issued in ample time to ensure uniformity in their preparation. They appear, however, to have been misunderstood or not fully complied with, and consequently the results as shown in the above statement are either so palpably incorrect or subject to so much doubt that, with regard to certain classes of suits, comparisons with the figures of previous years cannot be made with confidence.

This qualification especially applies to suits relating to inheritance, revenue, and mortgages of immoveable property; while the fact that "other suits" have so largely increased (*viz.*, from 8,126 to 12,516) suggests that whenever a doubt as to classification occurred it was settled in the readiest way by referring the case regarding which it arose to the miscellaneous column.

Certain classes of suits omitted from discussion.

31. The returns of certain districts presented features of a nature so peculiar that explanations have been solicited, and in certain other instances where the results recorded were not so startling but appeared open to question, the method of arriving at them has been inquired into. The disposal of such references necessarily occupies considerable time, and the Judges regret that they cannot discuss the figures relating to the classes above enumerated in the present report. To delay it for this purpose would cause inconvenience, and they therefore propose in next year's report to deal with respect to them with the statistics of 1879 and of the current year together.

Variations in other classes.

With regard to the suits of the remaining classes, the nomenclature of which has been so slightly affected by the changes introduced as to render comparisons possible, an analysis of the returns yields the following results:—

Decrease in suits on registered bonds.

32. The decrease in suits on registered bonds, which in 1878 amounted to 6·4 per cent. continued in 1879. There were 1872 or 23·3 per cent. fewer cases based on them in the latter year than in 1878; and the total is little more than half of that shown in the returns for 1876.

In the Peshâwar District there was an increase of 105 cases, and in the districts marginally noted,* the increase varied from 68 in Bannu to 11 in Muzaffargarh. In all other districts there was a decrease in such suits, the most noteworthy being in the Hoshiárpur and Amritsar Districts (from 919 to 362 in the former, and from 950 to 529 in the latter). They were few in the districts of Hazára (5), Kohat (5), and Simla (14); and numerous in Umballa (543), Ferozepore (541) and Amritsar (529).

* Delhi, Rohtak, Umballa, Muzaffargarh, Dera Ghází Khan, Bannu, Shahpur.

33. In suits on unregistered bonds there was an increase in 1878 of 6·9 per cent. The increase in 1879 amounted to 4·3 per cent. There is a tendency in such suits to increase as suits on registered bonds diminish, and the total number of suits on bonds, whether registered or not, is almost the same as in 1876, there being an increase of 271. The following are the districts in which the numerical increase was most marked:—

Increase in suits on unregistered bonds.

Dera Ghází Khan	from	1651	to	2789	cases
Jullundur	„	6842	„	7968	„
Ludhiána	„	2053	„	2765	„
Amritsar	„	5607	„	6289	„

The increase affected, but in a minor degree, 14 other districts; while there was a decrease in the remaining 14. The most marked decrease was that of 1427 cases in Siálkot. Opinions have not been so freely given in this as in last year's reports regarding the popularity or otherwise of the bond as the basis of a suit. Some officers apparently incline to the opinion that the falling off in suits on registered bonds points, not to a want of resort to them, but rather to a conviction among the indebted classes that it is useless to allow a suit backed by such proof to be lodged, and that consequently the majority of claims supported by them are met out of Court. But as the registration returns show an annual decrease in optional registration, this theory cannot be regarded as correct.

34. Suits for money due otherwise than on bonds decreased by 4407; and the total number of these also is almost exactly the same as in 1876, there being an increase of 70. These suits were most numerous in the following districts:—

Other suits for money due.

Siálkot ...	...	7615 cases	Lahore ...	...	5668 cases
Amritsar ...	...	6839 „	Rawalpindi ...	...	5458 „
Gurdáspur...	...	5841 „	Umballa ...	...	5123 „

and least resorted to in Kohát (451), Sirsa (592) and Hazára (821).

Suits for the recovery of personal property or the value thereof decreased by 872. They were most numerous in the Umballa District, where, however, they declined from 1670 to 1518. The largest decrease (987 cases) was in the Ludhiána District; while the fluctuations in this class are best illustrated by the cases in the Lahore Division. In the Lahore District they rose from 313 to 677, and in Gujranwala from 143 to 522; while in Ferozepore they fell from 1126 to 547.

Suits for the recovery of personal property.

35. In suits relating to marriage and cognate subjects the Rawalpindi District, as usual, heads the list with 352 cases, showing an increase of 50 on the figures of 1878. Bannu in 1879 registered 267, an increase of 71; and Jhelum 250 as compared with 210 in the previous year. In Gurgaon, on the other hand, there were but 2 such cases.

Suits relating to marriage and cognate subjects.

36. Grouping all suits under the Punjab Tenancy Act together, the increase from 1645 to 2237 is very large. No such results have been approached since 1876, when the aggregate was 2244. In 1878, however, there had been a decrease of 367 as compared with the preceding year. The Sirsa District alone contributes 570 suits to the total of 1879, showing an increase in the district figures of 303 cases. Of the district total 505 suits were brought under Section 25 of the Act to contest the landlord's right to eject. But independently of the increase in this district there was a widely distributed rise in the number of suits falling under the Act; and in the following districts, *viz.*: Delhi, Gurgaon, Rohtak, Montgomery, Dera Ghází Khan and Bannu, in which, (in 1878), no case was

Suits under the Punjab Tenancy Act.

reported, resort has been had to its provisions in numbers varying from 58 in Gurgaon to 1 in Bannu. More than half the suits of this class were suits relating to ejectment, and this was the case also in 1876.

Suits by bankers, &c., against agriculturists.

37. The increase in suits by bankers or shop-keepers against agriculturists, which has been steady since 1875, received a check in 1879, the decrease amounting to 3 per cent. as will be apparent from the following table :—

Year.	Number of suits.	Percentage on previous years.	
		Increase.	Decrease.
1875	90,839	9	...
1876	101,272	11	...
1877	115,778	14	...
1878	116,717	0·8	...
1879	111,444	...	3

The proportion of such suits to the entire litigation of last year stood at 45 as compared with 48 in the year preceding.

The highest percentage (76) was in the Gurdáspur District, where, instead of any decrease, there was an advance amounting to 35 per cent. The Siálkot proportion shows a decline of 2 per cent., but still stands at the very high figure of 75 per cent. The proportion most notably decreased in Shahpur, *viz.*, from 78 to 47 per cent.

The ratio was least in Simla 3 per cent., and Kohát 15 per cent.

E.—VALUE AND COST OF SUITS.

38 The subjoined statement regarding the value and cost of suits is an amplification of Imperial Return No. 7. Cases re-admitted and received by transfer are excluded from both statements :—

Valuation of suits		Suits relating to proprietary right in or occupancy of land assessed or subject to settlement						Other Suits.					
		Number of suits.	Aggregate value of suits	Aggregate cost of suits.	Average value of suits.	Average cost of suits	Percentage of costs to value.	Number of suits.	Aggregate value of suits.	Aggregate cost of suits.	Average value of suits.	Average cost of suits.	Percentage of costs to value.
Not exceeding Rs.	5	4,203	12,830	6 284	3 0 10	1 7 11	49	27,076	100,952	25,855	3 11 8	0 15 3	25
Do. "	20	7,424	87,615	17,360	10 7 4	2 5 4	19	81,472	10,35,848	1,48,382	12 11 5	1 13 1	14
Do. "	100	7,852	3,91,135	46,520	49 13 0	5 15 1	12	87,169	37,58,314	3,95,464	43 1 10	4 8 4	11
Do. "	500	2,863	5,39 014	56,091	188 4 4	19 9 5	10	21 897	40,29,962	3,77,039	184 0 8	17 2 1	9
Do. "	1,000	208	1,37,410	12,116	660 10 0	58 4 0	9	1,320	8,44,794	80,936	639 15 10	61 5 0	9
Do. "	5,000	88	1,36,588	12,061	1,552 1 1	137 0 10	9	628	11,09,267	88,319	1,766 5 7	140 10 2	8
Do. "	10,000	4	34.383	2,396	8,595 12 0	599 0 0	7	44	3,06,584	21,348	6,967 13 1	485 2 11	7
Do. "	1,00,000	4	97,750	3,405	24,437 8 0	851 4 0	3	14	3,88,389	17,829	27,742 1 2	1,273 8 0	4
Exceeding "	1,00,000	...	...	...	... . .	... . ..	...	1	1,63,000	2,893	1,63,000 0 0	2,893 0 0	2
Total ...	1879	22,646	14,36,725	1,56,233	63 7 1	6 14 4	11	219,621	1,17,37,110	11,58,065	53 7 1	5 4 4	10
	1878	19,169	11,17,635	1,29,098	58 4 10	6 11 9	11·5	221,172	1,15,63,716	11,88,025	52 4 6	5 5 11	10 2
Suits of which the value cannot be fixed.	1879	802	...	12,262	... .	15 4 7	...	2,033	.	23,626	... . ..	11 9 11	..
	1878	608	...	9,187	... ...	18 1 9	...	2,316	...	24,659	.. ... .	10 10 4	..
Grand Total ...	1879	23,448	14,36,725	168,495	...	7 3 0	...	221,654	1,17,37,110	11,81,691	. .	5 5 3	..
	1878	19,777	11,17,635	1,38,285	... ...	6 15 11	...	223,488	1,15,63,716	12,12,684	... .	5 6 9	..

39. The totals of 1878 having been given for purposes of general comparison, it will be seen that land suits of which the money value is capable of determination, increased in number by 3477; while suits for land incapable of money valuation rose by 194 in number. Not only has the number of land suits

Land suits.

considerably increased but the average value of those capable of valuation has risen from Rs. 58-4-10 to Rs 63-7-1, and the total value has accordingly increased by Rs. 3,19,000 or 28 5 per cent.

There were two more disposals in 1879 between five and ten thousand rupees in value than in 1878, and the valuation of 4 suits exceeded ten thousand rupees. In 1878, no land suit was disposed of exceeding ten thousand rupees in value.

The aggregate and total average cost of such suits increased, owing to the absence in 1878 and the disposal in 1879 of the four suits of high value above mentioned; but the general average cost declined, except in cases ranging between one hundred and five hundred rupees in valuation. The percentage of costs to value is slightly less, because in suits of high amount the costs are proportionately lower, and also because of the general decline in costs just mentioned.

Other suits.

40. There was a general falling off in other suits capable of money valuation, except in the class between Rs. 20 and Rs. 100, and to a less degree between one and five thousand rupees. There were 22 fewer cases between the latter valuation, and one lakh in 1879 than in the previous year One case exceeding one lakh of rupees in value was disposed of in 1879, while in 1878 there was no such disposal. While the aggregate and total average value of such suits increased, the aggregate and average cost, and percentage of costs to value declined. The cost of suits, as already noted, is in inverse proportion to their value.

Suits other than for land incapable of money valuation decreased from 2316 to 2033.

Total value of suits disposed of.

41. The total value of suits disposed of, excluding those of which the value cannot be fixed, increased from Rs. 1,26,81,351 to Rs. 1,31,73,835, and the average value, from Rs. 52-12 to Rs. 54-12. Costs of all suits remained almost stationary, being Rs. 13,50,971 in 1878, and Rs. 13,50,186 in 1879. The percentage of costs to value in all suits, the value of which can be fixed, was about 10 per cent.

F.—Agency for Disposal of Suits.

42. The subjoined comparative statement shows, in greater detail than Imperial Return No. 8, the distribution among the several Courts of the original suits in 1879, and the two years immediately preceding :—

Officers.	Original cases Decided.				Average number of cases decided by officers of each grade.		
	Number in 1879.	Percentage.					
		1877.	1878	1879.	1877.	1878.	1879.
Deputy Commissioners	159	·1	·1	·1	5	5	5
Judicial Assistants (Europeans)	2,087	·7	·7	·8	110	112	130
Ditto (Natives)	2,744	·9	·9	1·1	336	373	457
Assistant Commissioners	8,365	4·4	3·1	3 3	312	231	288
Extra Assistant Commissioners (Europeans) ...	3,023	1 0	1·0	1 1	186	250	178
Ditto (Natives) ...	28,491	11·1	10 1	11·2	339	310	401
Tahsildárs	28,439	14·4	12 1	11·2	319	276	230
Naib-Tahsildárs	6,389	5·3	3 5	2 5	238	243	182
Munsiffs	141,823	48·3	54 3	56 0	1,593	1,839	1,916
Honorary Civil Judges	12,757	5·5	4·9	5·4	246	223	228
Judges of District Small Cause Courts... ...	12,082	5 2	5·8	4 7	1,595	3,623	3,020
Judges of Cantonment ditto	6,728	3·1	3·5	2·6	943	1,079	841
Total	253,087	...	...	...	...	...	...

Disposals by Munsiffs.

43. The proportion of disposals by Munsiffs has steadily increased from 44·8 per cent. in 1876 to 56 per cent. in the year under report. The efficiency of this grade of Courts for the disposal of the class of cases made over to them, and their convenience to suitors, continue to receive recognition.

Each Munsiff in the districts of the Amritsar Division, and in those named in the margin* disposed on an average, of more than two thousand cases. On the other hand the average in the Hazára District was one thousand, and it was low in the following, *viz.*, Gurgaon (1177), Shahpur (1232), and Jhelum (1261). The District Reports do not notice the subject; but the smaller litigation of those districts is doubtless the cause.

* Umballa. Gujránwála. Jullundur. Mooltan. Hoshiárpur. Muzaffargarh. Dera Ghází Khan.

Disposals by Tahsildárs.

44. The provincial average of disposals by each Tahsildár was 230 cases. The monthly limit of thirty cases was exceeded in the districts of Bannu (445 cases in the year) and Rohtak (375 cases). The local reports do not comment on these figures. In the former district, however, there is but one Munsiff, and to the latter no such officer has been allotted. The average of each Tahsíldár's disposals was low in the districts of Gurgaon (110 cases), Amritsar and Kohat (118 cases in each.) In Gurgaon, it is explained, Tahsíldars were relieved of Civil work because it was found necessary to give them a large share of Criminal work; in Amritsar they were much employed in the supply of carriage for the war; while in Kohat the relative quantity (23 per cent. of the total litigation) of Tahsíldárs' work was satisfactory.

Disposals by European and by Native Agency.

45 The division between European and Native agency of suits disposed of was as follows :—

	No. of cases.	Percentage.
European Officers ...	... 32,444	13
Native „ ...	... 220,643	87

showing an increase in disposals by the latter agency of 1·2 per cent. over the proportions of 1878.

Judicial Assistants and Assistant Commissioners.

46. Judicial Assistants (European and Native Officers of the grade jointly) disposed of 996 more civil suits in 1879 than in the previous year; while disposals by Assistant Commissioners were increased by 491 cases.

Honorary Courts.

47. In the Courts of Honorary Civil Judges more business was despatched in 1879 than in 1878 by 490 cases. It is noteworthy that the disposal of original Civil cases amounting to 5 4 per cent. of the total litigation of the province was performed by unpaid agency.

G.—Execution of Decrees.

48. Details, which are not furnished by Imperial Return No. 10, regarding the branch of Civil business connected with execution of decrees in the various Courts of the Punjab, are supplied in the annexed comparative statement :—

1	2	3	4	5	6	7	8	9	10	11	12	13	14
											Amount realized.		
DISTRICT	Year.	Total number of applications for execution.	Completely executed.	Partially executed.	Struck off.	Transferred.	Total number disposed of.	Percentage of decrees completely executed to the number disposed of.	Average duration.	Value of money decrees put in execution.	Voluntarily.	After execution of coercive processes.	Percentage realized.
Delhi	1878	6,056	1,420	2,376	1,688	147	5,631	25	25	5,44,726	28,683	1,19,589	27
	1879	5,792	1,361	2,122	1,746	110	5,239	25	28	5,74,808	30,761	1,36,041	29
Gurgaon	1878	1,589	459	570	327	44	1,400	32	38	1,79,656	1,332	37,666	22
	1879	1,691	486	552	453	32	1,523	32	39	1,63,872	1,645	38,262	24
Karnál	1878	2,540	566	363	1,134	50	2,113	27	43	3,15,435	50,552	86,887	43
	1879	3,398	687	496	1,723	36	2,942	24	57	2,55,825	4,397	58,881	25
Hissar	1878	1,526	475	426	481	25	1,407	34	25	1,19,948	7,028	26,261	28
	1879	2,287	673	728	686	24	2,111	31	27	1,44,487	8,210	37,917	32
Rohtak	1878	2,807	865	1,139	336	47	2,387	36	33	1,44,913	10 469	33,930	32
	1879	3,871	1,224	1,712	381	45	3,362	36	40	2,05,987	9,694	48,844	28
Hissar	1878	1,106	366	291	225	14	996	36	29	1,08 690	13,417	15,598	28
	1879	1,013	412	219	283	18	932	45	28	67,287	13,288	17,723	46

1	2	3	4	5	6	7	8	9	10	11	12	13	14
DISTRICT.	Year.	Total number of applications for execution.	Completely executed.	Partially executed.	Struck off	Transferred.	Total number disposed of.	Percentage of decrees completely executed to the number disposed of.	Average duration.	Value of money decrees put in execution.	Amount realised. Voluntarily.	Amount realised. After execution of coercive processes.	Percentage realised.
Umballa	1878	8,188	2,580	2,329	2,218	23	7,160	36	46	3,74,365	19,165	1,74,952	52
	1879	8,904	2,918	2,814	2,162	..	7,894	37	19	4,49,780	12,325	2,31,064	54
Ludhiána	1878	5,983	1,867	2,179	939	..	4,985	37	33	3,43,763	8,781	1,03,090	32
	1879	7,676	2,052	3,280	1,295	..	6,627	31	28	3,13,072	14,968	1,01,980	37
Simla	1878	2,300	594	540	1,033	44	2,211	27	12	2,25,097	8,631	45,957	24
	1879	2,344	625	521	1,088	34	2,268	28	13	2,44,385	11,784	80,217	37
Jullundur	1878	11,790	3,858	2,881	3,125	..	9,864	39	51	8,14,443	11,527	1,89,220	24
	1879	12,202	3,694	2,797	2,894	..	9,385	39	33	10,38,404	15,055	2,26,658	28
Hoshiárpur	1878	12,773	3,871	2,882	3,579	..	10,332	37	55	6,37,824	10,191	2,20,111	36
	1879	12,712	3,464	2,632	4,096	...	10,192	34	64	7,74,812	5,830	2,40,917	32
Kángra	1878	4,739	2,000	1,002	965	..	3,967	50	25	1,69,955	9,758	57,628	39
	1879	4,665	1,861	1,141	972	...	3,974	47	36	1,83,816	15,324	44,680	32
Amritsar	1878	11,592	3,768	2,752	3,026	357	9,903	38	57	7,41,048	35,883	1,79,825	29
	1879	10,840	3,359	2,618	2,981	377	9,335	36	71	7,60,658	27,061	1,61,140	24
Gurdáspur	1878	9,088	3,530	2,650	801	57	7,038	50	64	5,52,140	4,595	1,79,778	33
	1879	9,677	3,429	3,204	899	63	7,595	45	46	5,83,593	6,788	1,56,787	28
Siálkot	1878	11,409	3,810	3,984	2,072	..	9,866	38	30	5,93,148	2,104	1,50,908	30
	1879	10,998	3,079	4,600	1,775	..	9,454	33	39	5,86,454	4,955	1,58,408	28
Lahore	1878	13,442	3,066	5,685	3,257	238	12,246	25	34	5,25,892	51,598	1,55,750	39
	1879	12,406	3,313	4,837	2,937	279	11,366	29	27	4,20,170	42,361	1,35,722	42
Gujránwála ...	1878	6,796	1,838	1,752	2,329	4	5,923	31	41	3,21,541	13,600	1,00,950	36
	1879	7,303	2,070	2,098	2,296	5	6,469	32	48	3,66,901	25,803	83,676	29
Ferozepore	1878	5,992	1,735	1,843	1,856	5	5,439	32	29	3,45,714	13,537	1,05,591	34
	1879	5,525	1,801	1,362	1,744	38	4,945	36	54	2,73,252	11,996	98,996	41
Rawalpindi	1878	6,074	2,351	1,126	1,815	49	5,341	44	34	5,19,597	14,453	1,34,748	29
	1879	6,187	2,343	1,217	2,050	19	5,629	42	40	5,63,618	18,704	1,74,025	34
Jhelum	1878	2,568	1,051	585	641	2	2,279	46	44	2,08,785	8,987	49,294	28
	1879	2,466	1,050	532	665	16	2,263	46	34	1,72,278	14,173	46,857	35
Gujrát	1878	5,477	1,716	967	1,644	..	4,327	39	33	1,91,257	2,294	72,651	39
	1879	5,704	1,643	1,926	1,976	..	4,645	35	43	1,91,132	3,321	71,974	39
Shahpur	1878	2,848	796	563	1,162	..	2,521	31	79	1,55,724	13,602	33,591	30
	1879	2,712	830	650	1,052	..	2,432	34	50	1,08,845	18,311	24,375	39
Moultan	1878	2,604	1,121	406	891	..	2,418	46	21	2,41,860	16,919	58,136	31
	1879	2,912	1,099	442	1,073	4	2,618	42	25	3,21,310	34,023	57,047	28
Jhang	1878	2,211	845	427	766	..	2,038	41	33	1,42,998	5,287	44,118	34
	1879	2,522	922	452	838	..	2,212	41	35	1,23,481	8,292	36,311	36
Montgomery ...	1878	1,779	750	382	482	..	1,614	46	33	1,52,764	8,665	40,177	32
	1879	1,819	706	379	632	..	1,717	41	42	1,76,931	12,191	37,509	28
Muzaffargarh ...	1878	2,125	1,096	316	462	2	1,876	58	38	90,381	9,675	42,259	57
	1879	2,372	1,146	347	706	9	2,208	52	35	99,368	8,080	44,953	53
Dera Ismail Khan	1878	2,283	958	339	811	..	2,103	45	36	1,55,452	10,722	77,473	56
	1879	2,282	818	416	829	..	2,063	39	31	1,41,052	12,157	37,797	35
Dera Ghází Khan ...	1878	2,622	1,231	381	754	..	2,366	52	25	1,37,244	15,598	38,021	39
	1879	3,098	1,727	318	728	...	2,773	62	24	1,34,735	16,358	39,930	45
Bannu	1878	1,438	680	252	362	..	1,294	52	29	74,959	5,344	31,792	49
	1879	2,091	1,226	265	358	..	1,849	66	40	89,855	10,850	42,643	59
Peshawar	1878	2,939	1,104	609	962	...	2,695	41	23	3,73,568	8,900	85,466	25
	1879	2,664	1,094	600	822	..	2,516	43	28	2,12,795	13,965	63,409	36
Hazára	1878	1,925	672	411	658	..	1,741	38	16	70,318	4,898	20,927	37
	1879	1,157	382	223	452	..	1,057	36	21	53,365	2,260	13,682	30
Kohát	1878	388	203	47	114	..	364	56	30	12,196	777	5,583	52
	1879	401	212	31	92	..	335	63	35	17,636	678	7,313	45
Total ..	1878	156,973	51,237	42,465	41,035	1,106	135,845	38	36	94,89,841	4,26,514	27,17,917	34
	1879	161,542	51,706	44,531	42,679	1,109	140,025	37	37	98,03,964	4,36,668	27,55,739	33

Applications for disposal.

49. The number of applications for execution made in 1879, amounted to 115,478 and exceeded by 2·9 per cent. that presented in 1878. A similar excess was noted in the figures for 1877 over those of the year immediately preceding, and the coincidence in two years marked by decline of original suits is worthy of notice.

Disposals and details of disposal.

50. The Courts disposed of 140,025, or 86·6 per cent. of the total number of 161,542 applications for disposal, which includes cases instituted, pending, re-admitted, and received by transfer. The results of the two years compared are as under—

	Percentage. 1879.	1878.
Completely executed	37	38
Partially executed	32	31
Struck off without any execution ...	30	30
Transferred	1	1

There was an increase of 0·1 per cent. in the number of disposals. The proportion of decrees completely executed has declined by one per cent.; and there was a corresponding increase in that of decrees partially executed.

Decrees completely executed.

51. The percentage of decrees completely executed was highest in the Bannu District (66), where also the increase of 14 per cent. on the results of 1878 is considerable. Kohát, with a percentage of 63 and an increase of 7 per cent., Dera Gházi Khan, 62, with an increase of 10 per cent, and Muzaffargarh, 52, but with a decrease of 6 per cent. on the working of 1878, are the districts in which the proportions of decrees completely executed were largest. In the districts of Delhi, Hissar, Simla and Lahore, on the other hand, the percentages of such executions varied from 25 to 29. Among these there was a falling off of 6 per cent. in Simla and a rise of 4 cent. in Lahore. The Dera Ismail Khan percentage declined from 45 in 1878 to 39 in 1879.

Amount in execution and proportion of realizations thereto.

52. Turning to money decrees, it appears that an aggregate sum of Rs. 98,05,964 was sought to be realized during the year. Details of the manner of realization of the total sum of Rs. 31,92,407 realized, or 33 per cent. of the value in execution, are given below :—

	Percentage. 1879	1878.
Paid in voluntarily	14	14
Realized by means of arrest and imprisonment	5	5
Attachment of movable or immovable property	63	67
Sale of ditto ditto	18	14

To this it should be added that money decrees involving a sum of Rs. 25,72,760 were in process of execution at the end of the year. If this sum be deducted from the total amount for execution, the amount realized will be found to be 44 per cent. of the total for execution in the applications disposed of.

The chief features in the above table are the decrease in the proportionate efficacy of attachment of property, and the corresponding increase in the proportion of cases in which a sale of property was necessary.

* Sirsa, Kohát, Dera Gházi Khan, Lahore and Ferozepore.

The proportion of realizations was highest in the districts of Bannu (59 per cent. being an increase of 10 per cent. on the realizations of 1878), Umballa (54) and Muzaffargarh (53). Realizations exceeded 40 per cent. in each of the five districts named in the margin* the chief increase being 18 per cent. in the Sirsa District. In Simla and in Pesháwar the increase amounted to 13 and 11 per cent. respectively.

Rohtak, Jullundur, Gujránwala, Mooltan and Montgomery.

The proportion of realizations was below 30 per cent. in the districts of the Delhi and Amritsar Divisions, and in those marginally* noted. Of all these, Jullundur yielded the smallest proportion, *viz.* 23 per cent., being a decrease of one per cent. on the previous year's realizations, The most notable decreases, however, were in the Dera Ismail Khan and Karnál Districts where realizations declined by 21 and 18 per cent. respectively.

Improvements in the proportion realized are often due, as in Lahore, to a decrease in the amount for realization; while an increase in the amount for realization leads, as in Gujránwála, to a decrease in the proportion realized.

The Deputy Commissioner of Jullundur thinks, that the utmost has been done in his district in the interests of creditors, considering the poverty of debtors and the bad seasons the district has recently experienced. The Karnál decrease is attributed to unsuccessful executions in decrees of large amounts, while in Dera Ismail Khan hard times are said to have rendered realization difficult.

It is observable that the amount for execution was higher in both years in Jullundur than in any other district in the Province, and that it increased by 27 per cent in 1879, which goes far to account for a small proportion of realizations. The amount realized increased 20 per cent., and the pending file by 50 per cent.

The statement does not bear out the explanation given for Karnál. The average amount for execution fell from nearly Rs 120 to Rs 75, but in 1878, the unusually large sum of Rs 50,000 was paid in voluntarily (12 per cent. of the provincial total), while in 1879 only one per cent. was so paid.

Decrees for immovable property and specific performance.

53. In addition to the above, 6,293 decrees for immoveable property were put in execution during the year, an increase of 540 over the previous year's figures. Executions of decrees for specific performance, on the other hand, have decreased by 350.

Arrest and imprisonment.

54. The imprisonment of 853 persons resulted from the 9,056 applications for arrest filed. The average duration of each person's detention was 33 days, and 103 persons only were imprisoned for terms exceeding 3 months. The longest detention of any one person was in the Simla and Jullundur districts (a period of 180 days in each), but in neither case has any explanation been furnished

The returns, as at present prepared, do not show the number of proceedings in bankruptcy—a defect which can be remedied in the impending alterations in the Statements.

A sum of Rs. 27,850 was realized by imprisonment, as compared with Rs 148,857 realized by means of arrest The corresponding figures in last year's report were, respectively, Rs. 41,856, and Rs. 1,22,287.

Attachment and sale of property.

55. Sales of moveable property to the number of 21,596 followed the 88,029 attachments of such property effected, while 3,857 sales resulted from the 10,454 attachments of immoveable property. The increase of such sales by the operation of recent legislation will appear from the following figures, showing their number in each of the years noted.—

1875.	1876.	1877.	1878.	1879.
1,812	1,661	2,300	2,510	3,857

Of sales of immoveable property, 83 only involved the auction of hereditary or jointly acquired property in land.

The Judges are indebted to the Inspector General of Registration for a detailed statement showing the number of voluntary transfers of land (as distinguished from other immoveable property) during the financial year 1878-79 The number of such transfers registered throughout the Province was 9,980, and this total does not include a proportion of sales for small sums, the registration of which was not compulsory.

Temporary alienations of land

56. Temporary alienations of land rose from 406 in the preceding year to 666 in 1879 Such temporary transfers have more than doubled since 1876, sales of land have thereby been to some extent prevented.

Average duration.

The average duration of execution cases, which rose to 36 days in 1878 from 30 in 1877, underwent a still further increase of one day in the year under report. The stringency of Section 230 with respect to the re-admission of an application for execution once struck off, is considered to have produced this result, and the Courts probably do give more grace to lax decree-holders before disposing of their applications than under the old Code.

57. With regard to the working of Book Circular II of 1878, the opinions of reporting officers were specially invited. To this invitation 20 officers have responded. A small proportion express a qualified approval, while others note that the experiment has been abandoned as locally unsuccessful or inappropriate, and in other districts it has not been introduced. Two Deputy Commissioners have found reason to entrust the work to officers other than those discharging it for a portion of the past year, and these anticipate better results from the change. In three districts the effect of the circular has been favorably reported on.

Book Circular II of 1878.

H.—Witnesses.

Decrease in number of witnesses attending.

58. The attendance of witnesses in Civil Courts during the past two years is exhibited in the following table:—

	1878.	1879.	Difference.
Number of witnesses who appeared voluntarily	148,194	118,387	—29,807
Number of witnesses for whose appearance summonses were issued ...	206,201	205,294	—907
Total ...	354,395	323,68	—30,714

The aggregate decrease of 30,714 witnesses in 1879 on the number attending in 1878 was considerably exceeded by the falling off in the latter year as compared with 1877 of 46,687. The very considerable decrease of 29,807 who appeared voluntarily is a new feature, as hitherto witnesses voluntarily attending have, of recent years, annually increased in number.

Extends to voluntary witnesses.

59. The decrease of 2 per cent. in the number of contested cases necessarily influenced the aggregate number of witnesses who attended; but it does not account for the decrease in witnesses voluntarily attending. One cause of the falling off appears to be the very large decline in the number of cases determined by Courts of Small Causes. The summons for the defendant's appearance in such Courts is invariably for the final disposal of the suit, and witnesses for the defence of such suits are almost necessarily those who attend voluntarily, as defendants rarely apply for summonses to issue before the date fixed for their own attendance. On the other hand, when land suits increase considerably in number, the parties naturally feel reluctant as pointed out by the Deputy Commissioner of Jhelum, to risk the chances of their witnesses absenting themselves. It is possible, also, as suggested by Mr. Macauliffe in the Muzaffargarh Report, that witnesses are becoming better acquainted with their rights, and find the allowance prescribed by the Courts, better compensation for their trouble in attending, than the remuneration obtained by private arrangement. Beyond these two suggestions, no clue is given in the district reports. It may be noted that Peshâwar and Amritsâr were conspicuous for the decrease of witnesses of this class; while the increase (which is confined to seven districts) was most marked in Hissar.

Payment of witnesses.

60. Of the number for whose appearance processes were issued 147,472, as compared with 146,800 in 1878, received allowances for expenses. The average amount paid to each witness in 1879 was eight annas and six pies as in the year preceding.

The average was highest in the following (the figures, in annas and pies of each district for 1878 being placed in juxtaposition with those of 1879 for comparison):—

	1879.	1878.
Umballa	15-1	12-4
Ludhiâna	14-9	12-5
Amritsar	13-11	9-5

It varied from the amount last quoted to 3 annas 7 pies in the Hazára District; and in the seven districts marginally * named, it did not exceed 4 annas, being the same for the two years in all except Dera Ghází Khan, where the trifling decrease of 5 pies per head is to be noted.

*Simla, Hoshiárpur, Ferozepore, Gujrat, Shahpur, Dera Ghazi Khan, Kohat.

The average cost of issuing each process shows the nominal increase of one pie, *viz.*, from 5 annas 3 pies to 5 annas 4 pies. It did not exceed 5 annas in Lahore and Ferozepore as compared with 8 annas in each of these districts in 1878. It was highest in the following :—

	1879.		1878.	
	As.	Ps.	As.	Ps.
Hissar	13	3	11	8
Kohát	12	0	5	7
Shahpur	11	9	9	3
Dera Ismail Khan	11	8	12	3
Hoshiárpur	11	4	10	10

The various fluctuations above noticed have not been commented upon in the local reports.

PART II.—SMALL CAUSE COURTS.

Business statement of District Small Cause Courts.

61. The business in the only Small Cause Courts which now remain, is shown in the following comparative table :—

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
COURT.	NUMBER OF CASES ON THE FILE										AVERAGE DURATION OF EACH CASE.			
	Pending from 1878.	Instituted in 1879.	Re-admitted under Secs. 99 and 103 of Act X of 1877, or Sec. 21 of Act XI of 1865.	Total.	Disposed of without decree.	Decreed without contest.	Decreed with contest.	Grand total disposed of.	Pending at the end of the year.	Percentage of contested cases.	Contested.	Uncontested.	Cases in column 3 brought by bankers and shop-keepers against agriculturists.	Number of cases in column 9 in which the defendant resided without Municipal limits.
Delhi ...	137	2,131	47	2,315	470	1,128	666	2,264	51	30	12	11	79	367
Simla ...	..	1,516	27	1,543	270	808	465	1,543	...	30	15	16	...	...
Amritsar ...	214	3 703	60	3,977	1,009	1,632	1,200	3,841	136	31	18	14	255	884
Lahore ...	214	4,315	94	4,653	929	2,225	1,280	4,434	219	29	13	13	462	643
Total 1879	565	11,695	228	12,488	2,678	5,793	3,611	12,082	406	30	15	14	796	1,894
Total 1878	327	14,515	214	15,056	3,410	6,345	4,736	14,491	565	33	18	17	1,184	2,584

No case is shown as pending at the end of the year in the Simla Court because with the removal, at the beginning of the winter, of the Judicial Assistant who is invested with the powers of a Judge Small Cause Court, all undecided cases are transferred to the District Courts of ordinary jurisdiction for disposal. The legality of this practice has been questioned; but, as the local report states that a reference to Government on this subject was under preparation early in the current year, it need not further be dwelt on in this place.

Decrease of litigation and its causes.

62. There has been a considerable decrease, it will be observed, in the number of institutions in 1879 as compared with those in 1878. This decrease is general, and, though least marked in the Simla Court, it must be remembered that that Court remained open for the despatch of business for 8 months during 1879 or one month longer than in the previous year It is noteworthy that in all the four districts, litigation in the Courts of ordinary jurisdiction also declined.

With regard to the decrease, amounting to 1024, in institutions in the Delhi Court, it is stated that the number in 1878 was abnormally large, and that in 1879 several prosecutions for perjury occurred which are believed to have created a panic among suitors The principal cause of decrease, however, was the unusal sickness prevalent during portions of the year.

The Amritsar report states that, though there was a falling off (to the number of 454) in last year's figures as compared with those of 1878, institutions in 1879 were much more numerous than in 1877 The Judge considers that the Kabul war may have interfered with business transactions.

The Lahore decrease of 1326 cases is attributed to sickness ; and a suggestion, similar to that in the Amritsar report, regarding the possible effect of the war, is also thrown out. The changes of officers in all courts may have affected the number of institutions.

Cases for disposal and details disposal.

63 The total number of cases for disposal, including remanets from 1878 and re-admissions was 12,488. Of this number 12,082, or 96 7 per cent. were disposed of as follows :—

	1879.	1878.
	Per cent.	*Per cent.*
Dismissed in default	11	11
Otherwise disposed of without decree ...	12	12
Decided *ex-parte*	16	15
Otherwise disposed of with decree but without contest	32	29
Decreed after contest in favor of plaintiff	22	26
Do. do. defendant	7	7

The ratio of decisions *ex-parte*, though it shows an increase of only one per cent in 1879 over the results of 1878, exceeds the proportion of cases similarly disposed of in 1877 by 6 per cent. The percentage of contested cases has in the same period, decreased to about the same extent.

Average duration.

64. The average duration has fallen from 18 to 15 days in each contested case, and from 17 to 14 days in each uncontested case, being 3 days less than the corresponding duration in 1878.

Pending cases.

The number of cases pending at the close of 1879 was 406, as compared with 565 in the preceding year. The longest pending case was in the Amritsar Court, and dated from the 14th July 1879. It involved a reference to the Chief Court on a point of law.

Suits by bankers, &c., against agriculturists.

65 Suits by bankers and shop-keepers against agriculturists decreased from 1184 to 796. The proportion of such cases to the total litigation of 1878 was 8 per cent. and of 1879, 7 per cent., while that of the cases in which the defendant resided beyond Municipal limits was 18 and 15 per cent. for the two years respectively.

Witnesses.

66 The following table exhibits the number of witnesses who attended in District Small Cause Courts, and the manner of their attendance, the totals of 1878 being added for comparision :—

Court.		Number of witnesses who appeared without summons.	Number summoned whether they appeared or not.
Delhi		1,108	1,530
Simla		347	426
Amritsar		800	7 137
Lahore ...		2,214	4,321
Total	1879	4,469	13,414
	1878	6,772	10,680

Retrials.

67. There were 365 applications for retrial, being 10 per cent. of contested cases decided during the year. The proportion of such applications to decided contested cases in 1878 was 7 per cent.

Three hundred and fifty-nine of these applications were disposed of as under :—

	Per cent. 1879.	*Per cent.* 1878.
Struck off *in limine*	76	82
Former judgment maintained	16	9
Ditto reversed or modified ...	8	9

Execution of decrees in Small Cause Courts.

68. The statement which follows, now prepared for the first time, gives information for Courts of Small Causes similar to that appended to para. 48 of this report for District Courts. A comparison of the working of Small Cause Courts in this direction with that of the Courts of ordinary jurisdiction of the districts wherein they are situate in particular, and with the results of District Courts in general, appeared to the Judges to be desirable.

1	2	3	4	5	6	7	8	9	10	11	12	13
COURT.	Total number of applications for execution.	Completely executed.	Partially executed.	Struck off	Transferred.	Total number disposed of.	Percentage of decrees completely executed to the number disposed of.	Average duration.	Value of money decrees put in execution.	AMOUNT REALIZED. Voluntarily.	After execution of coercive process.	Percentage realized.
Delhi	1,989	485	1,215	308	...	1,958	22	14	89,380	11,540	8,800	22
Simla	1,130	244	188	681	4	1,117	22	6	44,964	3,940	7,219	25
Amritsar	2,015	501	504	610	357	1,972	25	8	74,462	9,106	13,884	31
Lahore	4,709	1,136	2,678	366	279	4,459	25	10	1,17,145	21,297	34,709	47
Total ...	9,843	2,316	4,585	1,965	640	9,506	24	9	3,25,951	45,883	64,612	34

Business statement of Cantonment Small Cause Courts.

69. The working of Cantonment Small Cause Courts during the year is exhibited in the following statement. The totals for 1878 have been added for comparison :—

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
COURT.	NUMBER OF CASES ON THE FILE. Pending from last year.	Instituted in 1879.	Re-admitted under Secs. 99, 103 and 108 of Act X of 1877.	Received by transfer.	Total.	Disposed of without decree.	Decreed without contest.	Decreed with contest.	Grand total disposed of.	Pending at end of the year.	Percentage of contested cases.	AVERAGE DURATION OF EACH CASE. Contested.	Uncontested.	General average duration.
Umballa ...	18	1,663	11	...	1,692	322	1,056	299	1,677	15	18	10	7	8
Jullundur ...	23	286	16	...	325	97	145	76	318	7	24	27	22	24
Siálkot ...	25	115	1	..	141	33	87	21	141	...	15	35	13	24
Mean Meer ...	26	699	9	...	734	113	391	212	716	18	29	13	14	13
Ferozepore ...	15	1,220	1	...	1,236	236	814	181	1,231	5	15	25	6	15
Rawalpindi ...	3	1,875	...	...	1,878	460	886	514	1,860	18	28	11	9	10
Mooltán ...	33	468	2	...	503	100	259	90	449	54	20	10	4	7
Peshâwar ...	9	321	13	...	343	119	118	99	336	7	29	15	15	15
Total 1879	152	6,647	53	..	6,852	1,480	3,756	1,492	6,728	124	22	18	11	15
Total 1878	82	8,653	52	...	8,787	1,802	4,778	2,055	8,635	152	24	16	11	13

70. With the one exception of Peshâwar where the trifling increase of 4 cases occurred, the returns of every Court show a falling off, more or less marked, in institutions. The fluctuating character of Cantonment populations under the peculiar circumstances of the year may account for the general decrease. The decline from 849 to 115 institutions in the Siâlkot Court would appear to be due to the special cause that the officer who officiated as Cantonment Magistrate for the greater part of the year, does not seem to have been invested with Small Cause Court powers.

Special features.

PART III.—APPELLATE COURTS.

71. The tabular statement next following, dealing only with institutions, supplements the information on the subjects of Civil Appellate business, so far as Divisional and District Courts are concerned, given in Imperial Return No. 9.

Appeals in Divisional and District Courts.

District.	Original appealable cases disposed of.	Appeals								Percentage of first appeals to decisions appealable.
		To Assistant Commissioners.	To Judicial Assistants.	To Deputy Commissioners.	Total to District Courts.	To Commissioners. From Courts of first instance.	To Commissioners. From Subordinate Appellate Courts.	Total to Divisional Courts.	Grand Total.	
Delhi	999	...	151	42	193	86	44	130	323	28
Gurgaon	568	...	...	135	135	27	13	40	175	29
Karnál	777	...	81	51	132	49	24	73	205	23
Hissar	600	...	...	39	39	87	3	90	129	21
Rohtak	1,125	...	106	93	199	103	29	132	331	27
Sirsa	850	...	...	234	234	66	35	101	335	35
Umballa	3,692	101	472	...	573	187	55	242	815	21
Ludhiána	3,208	...	464	38	502	134	30	164	666	20
Simla	580	...	13	2	15	7	...	7	22	4
Jullundur	4,628	...	427	47	474	185	39	224	698	14
Hoshiárpur	5,066	...	651	111	762	181	51	232	994	18
Kángra	3,007	16	375	..	391	36	38	74	465	14
Amritsar	4,117	...	629	...	629	142	100	242	871	18
Gurdáspur	4,928	...	292	52	344	81	23	104	448	9
Siâlkot	5,635	...	430	35	465	75	61	136	601	9
Lahore	3,001	...	396	...	396	143	40	183	579	17
Gujránwála	2,718	...	245	81	326	33	41	74	400	13
Ferozepore	2,592	...	426	116	542	153	88	241	783	27
Rawalpindi	3,817	...	614	50	664	112	41	153	817	20
Jhelum	1,8[illegible]8	12	421	109	542	65	38	103	645	33
Gujrat	2,131	...	391	60	451	112	37	149	600	26
Shahpur	1,137	...	319	14	333	26	28	54	387	31
Mooltan	1,678	...	258	26	284	66	40	106	390	21
Jhang	966	...	...	195	195	22	14	36	231	22
Montgomery	904	...	...	77	77	41	1	42	119	13
Muzaffargarh	1,310	...	...	43	43	7	2	9	52	4
Dera Ismail Khan	1,572	...	151	1	152	64	9	73	225	13
Dera Ghází Khan ...	2,510	...	75	13	88	61	4	65	153	6
Bannu	1,709	...	...	221	221	93	36	129	350	18
Peshâwar	2,053	...	311	...	311	58	50	108	419	18
Hazára	928	...	...	79	79	24	5	29	108	11
Kohát	262	...	...	9	9	3	...	3	12	4
Total ... 1879 ...	70,906	129	7,698	1,973	9,800	2,529	1,019	3,548	13,348	17
Total ... 1878 ...	70,322	124	7,883	1,876	9,883	2,752	982	3,734	13,617	18

72. While, therefore, the number of appealable decisions increased by 584, the total number of new institutions in Divisional and District Courts declined from 13,617 to 13,348 or by 1·9 per cent. as compared with the falling off in 1878 of 3·3 per cent.

General results.

73. The decrease is common to Divisional and District Courts; but is chiefly in the former, where it amounted to 186, or nearly 5 per cent., while in the latter it was 83 or less than one per cent. The decrease in Divisional Courts anticipated in para. 77 of last year's report is, however, far from having been

Divisional Courts.

realized. The following statement compares the number of institutions in Divisional Courts for the two years:—

Division.	1878.			1879.		
	From Courts of first instance.	From Subordinate Appellate Courts.	Total.	From Courts of first instance.	From Subordinate Appellate Courts.	Total.
Delhi	214	75	289	162	81	243
Hissar	221	61	282	256	67	323
Umballa	275	152	427	328	85	413
Jullundur	457	182	639	402	128	530
Amritsar	384	158	542	298	184	482
Lahore	477	152	629	329	169	498
Ráwalpindi	258	119	377	315	144	459
Mooltan	147	23	170	136	57	193
Derajat	195	21	216	218	49	267
Peshâwar	124	39	163	85	55	140
Total ...	2,752	982	3,734	2,529	1,019	3,548

That some modifications of the scheme as originally framed for relieving Commissioners of Civil appeals were found necessary, and that land suits, at once the most fruitful of appeals and the class of cases chiefly decided by the Courts of first instance whose decrees are appealable to Commissioners have increased in number, appear in some measure to account for these unexpected results.

The general totals show that four Divisional Courts received an increase of business, and six experienced a decrease. The Lahore Division returns the largest decrease (*viz.* 131 cases) followed by that of Jullundur with 109. The increase is chiefly in the Rawalpindi Court (82 cases), and has not been noticed by the Commissioner; but, it is believed that the addition to that officer's labors is nominal rather than real, and that the explanation lies in the fact that Settlement appeals, formerly excluded from statements submitted to the Chief Court, have by recent administrative changes, been therein included.

First and second appeals.

74. First appeals, it will be observed, were less by 223, and but for the reason stated in para. 73 above, might have still further decreased; while second appeals increased by 37, as compared with the 1878 increase of 30 cases. Increases in first appeals are confined to the four Courts of Hissar, Umballa, Rawalpindi and the Deraját; in second appeals Umballa and Jullundur alone exhibited decreases.

District Courts.

75 There was an increase in 1878, amounting to 12·6 per cent. over the results of 1877 in the number of appeals instituted in District Courts. The small falling off of 83 institutions in 1879 in these Courts has already been noted. Ninety-seven more appeals in the aggregate were instituted in the Courts of Deputy Commissioners in 1879, than in the preceding year, due to the more extended operation of the rule made by the Judges that appeals from decrees passed by officers who had ever exercised full Civil powers, should ordinarily lie to the Deputy Commissioner and not to the Judicial Assistant. Officers invested with full Civil powers, prior to April 1878, and thereafter exercising the so-called "special" powers having necessarily greater experience, were doubtless more freely entrusted with the decision of suits within their competence, involving interests in land.

Institutions in the Courts of Judicial Assistants decreased by 185. The districts of Hoshiárpur, Amritsar and Rawalpindi, each with institutions exceeding 600 in number, give the heaviest appellate work to officers of this grade. Excluding Simla, where the Judicial Assistant transacts Small Cause Court, in addition to appellate, business, institutions in Courts of this grade were lightest in Dera Gházi Khan, Karnál and Rohtak.

76. Taking first and second appeals together, and comparing the results of 1878 with those of 1879, the largest increase in institutions (245 cases) was in the Jhelum District. Ludhiána with 219 and Bannu with 189 are also conspicuous in this respect. The Lahore institutions fell off by 193, and those of Ferozepore by 166 cases.

Increase in certain districts.

In Jhelum the number of appealable cases increased by 260, and in Bannu by 505, while the increase above noted in the Ludhiána institutions was accompanied by a decrease of 152 appealable cases.

The Jhelum and Bannu increases are attributed to the same cause—Settlement appeals falling to the District, instead of the Settlement Courts for decision. The Ludhiána increase is not explained.

The Deputy Commissioner of Lahore confesses himself unable to assign the causes for the Lahore decrease, and the matter is not noticed by the Deputy Commissioner of Ferozepore. The proportion of appeals to appealable cases in Ferozepore in 1878 was remarkable, and it continued high in 1879.

77. The proportion of appeals instituted to appealable cases was highest (35 per cent.) in the Sirsa District, and it exceeded 30 per cent. in each of the districts of Jhelum and Shahpur. The lowest proportion was that of 4 to the hundred, occurring in each of the districts of Simla, Muzaffargarh and Kohát.

Percentage of appeals in certain districts to cases appealable.

The provincial percentage in 1879 was 17 as compared with 18 in the year preceding.

A.—District Courts.

78. The number of appeals for disposal in District Courts amounted to 10,864 or 267 more than in 1878. This total comprised 829 cases pending from 1878, 231 re-admitted, and 4 received by transfer.

Appeals for disposal.

79. Disposals numbered 9,978, or 91·9 per cent. of the total for disposal, leaving 886 cases on the registers. The proportion of disposals in 1878 was 92·1 per cent., and the number of cases on the pending file 829; but the actual out-turn of work was greater by 210 disposals in 1879.

Appeals disposed of.

Deputy Commissioners disposed of 1886, or about 18 per cent. of the appeals, and Judicial Assistants and Assistant Commissioners specially empowered of 8092 or about 82 per cent. of the grand total.

The Deputy Commissioners of Sirsa and Jhang (237 and 206 cases respectively) are conspicuous for the large number of disposals. Those of the Deputy Commissioner of Kohát, 6 only, were the lowest. To none of these districts has a Judicial Assistant been allotted. The District Officers of Umballa, Simla, Amritsar, Lahore and Peshawar, do not appear to have taken up any Civil appellate business during the year, while the Deputy Commissioner of Dera Ismail Khan disposed of one case only. In districts to which Judicial Assistants have been assigned, the proportion of Deputy Commissioners' disposals was highest in Karnál, Rohtak, Hoshiárpur and Jhelum.

Details of disposal.

80. The details of disposal for the two years are noted below :—

	1879.	1878.
	Percentage.	
Transferred	0·1	*nil.*
Withdrawn or struck off in default ...	6·4	6·1
Contested and confirmed	32·2	34·5
Confirmed *ex-parte, i. e.*, in the absence of respondent, after notice	10·2	10·1
Confirmed under Section 551 Civil Procedure Code	15·6	15·4
Modified	7·6	7·8
Reversed	16	15·8
Remanded under Section 562 Civil Procedure Code	11·9	10·3

81. The proportion of reversals underwent a slight increase. Excluding Kohát, where, of 6 orders appealed, 3 were reversed, which gives an exceptional result, and Simla where 3 reversals followed 13 appeals, the percentage was high in the following districts:—

Variations in certain districts.

Gujránwála	... 24 per cent.	Gurgaon, Kángra, Dera Ghází Khan	... 21 per cent
Delhi, Hissar, Sirsa	... 22 „		

It was low in the following:—

Montgomery, Muzaffargarh	... 7 per cent.	Gujrat	... 8 per cent.
		Ludhiána	... 9 „

In two successive reports the high averages of reversals in the Gujránwála and Gurgaon Districts, and the low average in Ludhiána, have been noticed.

Remands for further inquiry increased more appreciably than reversals. Again, excluding the Kohát District, where, as already shown, no case was remanded, they varied in number from 25 per cent. in Montgomery to 3 per cent. in Bannu.

82. The average duration of appeals in District Courts rose from 27 to 29 days. It was highest, 76 days, owing to a series of exceptional circumstances in Kohát. In Jullundur it reached 55 days, while in Hissar it did not exceed 7; and it varied from 39 days in Siálkot, 38 in Jhelum and Rohtak, and 35 in Gurdáspur, to 8 days in each of the districts of Montgomery and Muzaffargarh and 9 in Sirsa.

Average duration.

83. Of the 886 appeals pending at the end of the year, 189 were of a duration exceeding two months, and 118 of more than four months. The corresponding figures in 1878 were respectively 829, 171 and 13.

Pending file.

The appeal longest pending was one instituted in the Bannu District Court on the 6th January 1879. The delay in the disposal of this particular case is not explained by the Deputy Commissioner.

This district had also the heaviest pending file, consisting of 86 cases. Rawalpindi followed closely with 85 cases. Of the former total, 62 were appeals pending for more than 4 months; while of the latter, 45 cases were of more than two months' duration.

The state of judicial business in the Bannu District has recently been brought specially to the notice of Government. The block at the end of the year in the Rawalpindi Court is ascribed to extraordinary pressure of business towards the end of the year.

No appeal was pending in the Gurgaon, Karnál, Hissar, Sirsa or Muzaffargarh District Courts, while in the Hoshiárpur and Jhelum Courts, on the other hand, 81 and 83 appeals respectively, awaited disposal. The illness of the Judicial Assistant in the one district, and the absence on special duty for some time of that officer in the other, contributed to these results.

Value and cost of appeals in District Courts.

84. The value and relative cost of appeals in District Courts are shown in the following table:—

Scale of valuation.	Appeals in suits other than for land							Appeals in land suits.							
	Number of appeals.	Aggregate value of appeals.	Aggregate cost of appeals.	Average value of appeals.	Average cost of appeals.	Percentage of cost to value.		Number of appeals.	Aggregate value of appeals.	Aggregate cost of appeals.	Average value of appeals.	Average cost of appeals.	Percentage of costs to value.		
				R. A. P.	R. A. P.						R. A. P.	R. A. P.			
Not exceeding Rs. 5 ..	518	2,132	931	4 1 10	1 12 9	43		372	1,191	725	3 3 3	1 15 2	61		
Ditto „ 20 ..	2,173	27,768	5,436	12 12 4	2 8 0	19		661	7,753	1,703	11 11 8	2 9 3	22		
Ditto „ 100 ..	3,464	1,63,580	22,291	47 3 7	6 6 11	13		825	40,097	5,880	48 9 7	6 8 4	13		
Ditto „ 500 ...	1,127	2,02,410	20,607	179 9 7	18 4 6	10		255	57,267	5,374	226 5 9	21 3 7	9		
Appeals of which the value cannot be fixed	182	...	1,978	.. ..	16 13 10	...		189	...	2,324	.. .. ..	12 4 9	..		
Total ...	7,464	3,95,890	51,243	54 5 10	6 13 11	12		2,300	1,06,308	15,506	46 3 6	6 11 8	13		

B.—Appeals in Commissioners' Courts.

Appellate work of Divisional Courts.

85. The following table gives information in detail regarding appeals in Divisional Courts, and exhibits separately disposals by Additional Commissioners :—

Division.	Number of appeals for disposal.	Number disposed of		Appeals withdrawn, transferred or struck off for default.		Confirmed.		Modified.		Reversed.		Remanded under Sec. 562 Act X of 1877.	
		By Commissioner.	By Additional Commissioner.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Delhi	397	310	...	35	11	162	52	9	3	91	30	13	4
Hissar	366	342	...	17	5	202	59	7	2	106	31	10	3
Umballa	519	226	201	10	2	277	65	15	4	96	22	29	7
Jullundur	654	112	424	21	4	330	61	20	4	119	22	46	9
Amritsar	527	76	302	8	2	273	72	15	4	72	19	10	3
Lahore	582	269	207	14	3	342	72	25	5	68	14	27	6
Rawalpindi	495	422	...	23	5	278	66	11	3	92	22	18	4
Mooltan	236	228	...	22	10	115	50	27	12	30	13	34	15
Derajat	286	279	...	18	6	164	59	15	5	44	16	38	14
Pesháwar	146	1	142	...	...	100	70	9	7	32	22	2	1
Total ... 1879	4,207	2,265	1,276	168	5	2,243	63	153	4	750	21	227	7
Total ... 1878	4,097	2,784	1,619	288	5	2,919	66	170	4	827	19	249	6

General results.

86. There was thus a decrease of 790 cases for disposal in Commissioners' Courts in 1879. The proportion of disposals to cases for disposal fell from 88·1 to 84·2 per cent.

Additional Commissioners.

87. Additional Commissioners disposed of 1276 of the total for disposal, the highest number, 625 cases, or nearly half of the above aggregate, being in the Court of the Additional Commissioner of the Umballa and Jullundur Divisions. The out-turn of the Pesháwar Court, 142 cases, was the smallest; but Sessions cases form the bulk of the business in this Court. The proportion of disposals by Additional Commissioners was 60 per cent. of the appeals disposed of in the divisions provided with officers of that grade, and 36 per cent. of the total Divisional Appellate business of the Province.

Commissioners.

88. The Commissioner of Rawalpindi had the largest share (amounting to 422 cases) in disposals. The Commissioner of Pesháwar, on the other hand, disposed of only one Civil appeal during the year.

The details of disposal do not call for special remark. The percentage of confirmations fell from 66 to 63 per cent., while reversals and remands increased from 19 to 21, and from 6 to 7 per cent., respectively.

The proportion of reversals was highest (31 per cent.) in the Hissar Divisional Court, and lowest (13 per cent.) in that of Mooltan. Remands for further inquiry varied from 15 per cent., in the Mooltan division to one per cent. in that of Pesháwar.

Pending file.

89. The pending file at the end of the year amounted to 666 cases, of which 211 were of over 2, and 134 of over 4, months' duration. The corresponding figures in 1879 were respectively 594, 168, and 234. Only 2 cases awaited disposal in the Pesháwar Court, while the Amritsar balance of 149 cases was the heaviest.

This marks an increase in the latter of more than 100 pending cases. On the other hand, the Umballa closing balance decreased from 297 to 92 cases, that of Jullundur from 256 to 118, and that of Delhi from 131 to 87.

Average duration.

90. The average duration of appeals in Commissioners' Courts fell from 91 to 70 days, or two days below the average of 1877. It was highest, (154 days but with a decrease of 27 days) in the Delhi Court, and lowest (28 days) in that of Peshawar.

The oldest pending case was in the Lahore Court, and dated from the 22nd March 1879. It had been postponed, pending an inquiry ordered by the Chief Court into the conduct of a Munsiff, and the files, which had been submitted to the Chief Court, were received back in November. The appeal was decided on the 2nd January in the current year.

Value and cost of appeals.

91. The table appended shows the value and cost of appeals in Divisional Courts during the year.

Scale of valuation.	Appeals in suits other than for land.						Appeals in land suits.					
	Number of appeals.	Aggregate value of appeals.	Aggregate cost of appeals.	Average value of appeals.	Average cost of appeals.	Percentage of costs to value.	Number of appeals.	Aggregate value of appeals.	Aggregate cost of appeals.	Average value of appeals.	Average cost of appeals.	Percentage of costs to value.
Not exceeding Rs 5	62	235	197	3 12 8	3 2 10	84	93	347	351	3 11 8	3 12 4	101
" " " 20	271	3,508	954	12 15 1	3 8 4	27	232	3,388	944	14 9 8	4 1 0	28
" " " 100	707	39,858	5,720	56 6 0	8 1 5	14	441	24,394	3,499	55 5 0	7 14 11	14
" " " 500	624	1,57,395	16,143	252 3 9	25 13 11	10	300	71,808	7,177	239 5 9	23 14 9	10
" " " 1,000	146	1,01,005	9,364	691 13 0	64 2 2	9	64	45,285	3,812	707 9 3	59 9 0	8
" " " 5,000	89	1,82,351	13,512	2,048 14 3	151 13 1	7	33	66,808	4,615	2,024 7 9	139 13 7	7
" " " 10,000	19	1,45,914	7,306	7,679 10 11	384 8 5	5	4	29,614	2,216	7,403 8 0	554 0 0	7
" " " 1,00,000	3	71,843	2,328	23,947 10 8	776 0 0	3	3	38,917	587	12,972 10 8	195 10 8	1
Appeals of which the value cannot be fixed.	282	...	3,939	...	13 15 6	...	166	...	2,604	...	15 11 0	...
Total ...	2,203	7,02,109	59,463	365 7 10	26 15 10	8	1,336	2,80,561	25,805	239 12 9	19 5 0	8

The importance of the appellate work now done by Commissioners' Courts will appear from the high average value of the 3,091 cases admitting of a money valuation, being nearly rupees 318 for each case. The aggregate value was rupees 982,670, while that of appeals to District Courts was only rupees 502,198.

Commissioners disposed in 1879 of 290 Miscellaneous Civil appeals, in an average of 38 days to each, out of a total of 330 for disposal.

C.—Appeals in the Chief Court.

Appellate work of Chief Court.

92. In the subjoined comparative statement will be found the Chief Court's appellate work during 1878 and 1879.

	Year.	Number of appeals instituted.	Number of appeals for disposal.	Number disposed.	Percentage of appeals							Average duration.
					Transferred.	Dismissed for default.	Rejected at preliminary hearing.	Confirmed after issue of notice to respondent.	Modified.	Reversed.	Remanded under Sec. 562 Act X of 1877.	
Regular Appeals	1878	427	677	448	·4	1·8	37 7	35 2	5·7	14·2	5·0	162
	1879	349	583	362	1·4	3·0	26 8	37 8	4 7	19 9	6 9	216
Special Appeals	1878	1,339	1,640	1,287	1 0	1·2	70·0	14·4	·6	3 9	8·9	55
	1879	1,252	1,806	1,136	1·2	1 4	60 9	15·6	1·3	5 7	13 9	106
Total ..	1878	1,766	2,317	1,730	·9	1·4	61 7	19 7	1 9	6 5	7·9	83
	1879	1,601	2,189	1,498	1·3	1 8	52·6	20 9	2·1	9·1	12·2	132

General results.

93. It will be observed that there was a falling off, amounting to 165, in the number of institutions—78 in the class of regular, and 87 in that of special appeals.

Although appeals were less numerous in 1879, the decisions of subordinate Courts did not stand the test of appeal so well as in the year preceding. Rejections at preliminary hearing were fewer by 9·1 per cent.; the aggregate of orders confirmed fell from 81·4 to 73·5 per cent., while modifications and remands together rose from 9 8 to 14·3, and reversals from 6·5 to 9·1.

Disposals.

94. With 587 appeals pending from the previous year and one received in transfer, the total number for disposal was 2189, of which 1498, or 68 per cent. were disposed of, leaving 691 awaiting disposal when the year closed.

Average duration.

95. The mean average duration of appeals increased from 83 to 132 days. Regular appeals required an average of 216, and special appeals of 106, days for disposal, as compared with 162 and 55 days, respectively, in 1878.

The appeal longest pending was filed on the 6th August 1877. It was a very heavy and intricate case connected with grazing rights in the Gujránwála District. It was remanded on the 17th June 1879, to the lower appellate court, which, after further inquiry, returned the file to this Court on the 17th January 1880. The appeal has since been decided on the merits. It should be noted that the date of the oldest case as given in para. 101 of last year's report, contained a clerical error and should have been recorded as the 31st January 1877. It thus covered the case whose history is above given.

Value and cost of appeals.

96. To the annexed statement of the value, cost, and percentage of cost to value of appeals in 1879, the totals of 1878 have been added for comparison.

Valuation of suits.	Appeals in suits other than for land.						Appeals in Land Suits					
	Number of appeals.	Aggregate value of appeals.	Aggregate cost of appeals.	Average value of appeals.	Average cost of appeals.	Percentage of costs to value.	Number of appeals.	Aggregate value of appeals.	Aggregate cost of appeals.	Average value of appeals.	Average cost of Appeals.	Percentage of costs to value.
Not exceeding Rs. 5	20	84	106	4 3 2	5 4 9	126	62	299	307	4 13 2	4 15 2	103
" " " 20	66	910	384	13 12 7	5 13 0	42	176	2,251	609	12 12 8	3 7 4	27
" " " 100	165	9,536	1,954	57 12 8	11 13 6	21	244	12,556	2,410	51 7 4	9 14 0	19
" " " 500	173	37,896	4,365	219 0 10	25 3 8	12	94	18,232	2,166	193 15 4	23 0 8	12
" " " 1,000	59	42,826	3.706	725 13 9	62 13 0	9	16	9,325	993	582 13 0	62 1 0	11
" " " 5,000	33	62,312	4,758	1,888 3 10	144 3 11	7	3	6,517	437	2,172 5 4	145 10 8	7
" " " 10,000	3	26,655	2,098	8,885 0 0	699 5 4	8	4	32,445	2,431	8,111 4 0	607 12 0	8
" " " 1,00,000	4	75,406	3,251	18,851 8 0	812 12 0	4	...	...	...	... ...	... ...	...
Exceeding " 1,00,000	...	...	...	... ...	... ...	...	...	...	...	... ...	... ...	...
Appeals of which no value can be fixed.	*316	...	2,235	... ...	7 1 2	...	*60	...	30	... ...	0 8 0	...
Total ... 1879	839	2,55,625	22.857	488 12 3	27 3 11	8	659	81,625	9,383	136 4 3	14 3 9	11
Total ... 1878	1,073	1,61,324	21,231	221 9 7	19 12 7	11	657	2,41,067	11,276	440 11 4	17 2 7	5

*Applications for occupancy rights 60
" " declaratory decree 191
" " custody of wives 25
" " execution of decree, &c. 100

97. Appeals in land suits bore a proportion of 44 per cent. to the grand total of appeals. In 1878 they bore the proportion of 38 to the hundred. A considerable decrease will be noticed in the aggregate and average value and cost of appeals in suits connected with land. This is chiefly due to one case in 1878, which involved property to the value of nearly 2 lakhs, having swollen that year's average, while no case in 1879 exceeded ten thousand rupees in value; and, with the exception of the averages of the lowest value, and to a less degree of those between one and five hundred rupees, those of all denominations show a decrease which is not balanced by the occurrence in 1879 of 4 suits between five and ten thousand rupees in value. There was no appeal in 1878 between five thousand rupees and one lakh in value. The percentage of costs to value more than doubled, and the difference is attributable to the same causes; the costs of a case are in inverse ratio to its value.

Proportion of appeals in land suits to other appeals, their value and cost.

98. On the other hand the value and cost of appeals in suits other than for land were considerably higher than in 1878.

Other appeals, their value and cost.

The increase was principally in the higher denominations, *viz*, in cases between five and ten thousand rupees, and between ten thousand and a lakh in value. The percentage of costs to value in this class of appeals was less by 3 per cent. than in 1878. The total value of 1122 appeals admitting of valuation was Rs. 3,37,250, against Rs. 4,02,391 for 1275 such appeals in 1878, the decrease being more than accounted for by the appeal of nearly two lakhs in a land suit already mentioned. The average value decreased from Rs. 316 to Rs. 301.

The number of appeals in suits incapable of money valuation, decreased from 455 to 376. The falling off was chiefly in cases involving occupancy rights and the custody of wives.

Miscellaneous cases.

99. The Chief Court disposed of the following miscellaneous business:—

Cases under Section 622, Act X of 1877	435
„ referred for confirmation under Section 17, of Act IV of 1879 ...	17
Applications for review, petitions for permission to appeal *in formâ pauperis*, and petitions for removal and transfer of suits and appeals, &c.	167
Cases under Section 617, Act X of 1877	17
Total ...	636

PART IV.—PROCEDURE.

New edition of Judicial Circulars published.

100. During the year under review, a new edition was published of the unrepealed Circular orders of the Judicial Commissioner and of the Chief Court, consolidated and revised up to the end of May 1879.

Circulars.

101. Among Circulars issued in the course of the year and not already noticed in the body of this report, reference may be made to the following, *viz.* :—A Memorandum of Practice in Civil Suits (Book Circular I); Rules regarding Copies (Book Circular VIII); on the admission in Evidence of unstamped and insufficiently Stamped documents (Book Circular XIII); and on the cancellation of Court Fee stamps (Book Circular XVIII).

Pleaders and Mukhtars and Petition Writers.

102. In its administrative capacity, the Court has issued rules, framed under Act XVIII of 1879, to regulate the qualification, admission, certificates and enrolment of proper persons as Pleaders and Mukhtars of the Courts of the Punjab, the fees to be paid for the admission of such persons, and the suspension and dismissal of Pleaders and Mukhtars so enrolled (Book Circular XXI.) Also rules under Section 26 of Act XVII of 1877 declaring what persons shall be permitted to practice as petition-writers in the Courts of the Punjab and regulating the conduct of persons so practising, (Book Circular X).

Supervision.

103. Divisional and District Officers have continued to exercise a careful supervision over the working of the Courts subordinate to them The Judges' acknowledgments are especially due to the officers named in para. 129 of the Criminal Report recently submitted, and noted in the margin hereof * for their superintendence of the Civil Courts in their respective Divisions and Districts.

The Judges regret that, for the reasons stated in para 130 of the Criminal Report, they were unable to make any tour of inspection during the year of the Civil Courts subordinate to them.

* Messrs Perkins and Cordery, and Major Gordon Young, among Commissioners; and Messrs Coldstream, Gardiner, G. Smyth Fryer, Benton and Roberts, and Colonel Beadon and Major Macaulay among Deputy Commissioners.

I have the honor to be,

Sir,

Your most obedient servant,

T. O. WILKINSON,

Offg Registrar Chief Court, Punjab.

IMPERIAL RETURNS.

IMPERIAL RETURN.

No.

STATEMENT SHOWING THE NUMBER AND DESCRIPTION OF ORIGINAL DURING THE

1	2	3	4	5	6	7	8	9	10	11
	Suits for money.									
	On written obligation.									
Class of Court.	Registered.	Unregistered.	On unwritten obligation.	On account stated.	For money had and received.	For goods sold and delivered.	For breach of contract not included in the foregoing.	For rent other than of land.	For recovery of movable property or value thereof.	For damages.
Cantonment Small Cause Courts	141	1,015	2,109	2,124	46	575	133	351	55	128
District Small Cause Courts	101	4,901	1,698	1,343	93	1,948	938	532	271	29
Honorary Courts	227	3,446	2,732	2,710	180	510	166	59	789	178
Munsiffs' Courts	3,047	54,949	27,468	26,951	321	3,772	912	1,300	8,179	765
Tahsildárs and Naib-Tahsildárs' Courts ...	621	6.139	5,412	4,983	354	417	266	405	2,423	294
Assistant and Extra Assistant Commissioners' Courts.	1,564	10,349	4,875	6,005	194	689	501	437	2,065	403
Judicial Assistants' Courts	424	1,138	323	594	17	39	41	41	240	35
Deputy Commissioners' Courts	17	25	12	23	1	3	...	...	4	3
Chief Court	...	...	...	...	...	...	...	...	...	...
Total ...	6,142	81,962	44,629	44,733	1,206	7,953	2,957	3,125	14,026	1,835

No. 6.

	30	31	32	33	34	35	36	37
								Other
	Suits for possession or recovery of immovable property founded on.							
Class of Court.	Contract.	Inheritance.	Gift.	Right of pre-emption.	River action.	Other cause.	Suits to recover possession of immovable property under Sec. 9 of the Specific Relief Act.	Suits to compel specific performance of contracts.
Cantonment Small Cause Courts	...	...	...	...	...	...	...	...
District Small Cause Courts	...	...	...	...	...	...	...	...
Honorary Courts	118	119	1	38	...	216	198	16
Munsiffs' Courts	682	1,268	8	368	4	1,267	850	104
Tahsildárs and Naib-Tahsildárs' Courts ...	770	1,142	33	408	91	1,310	481	76
Assistant and Extra Assistant Commissioners' Courts.	1,686	1,645	56	599	21	1,378	346	71
Judicial Assistants' Courts	234	198	45	129	3	218	38	8
Deputy Commissioners' Courts	12	4	5	3	...	8	...	...
Chief Court	...	...	...	...	...	...	...	...
Total ...	3,502	4,376	148	1,545	119	4,397	1,913	275

CIVIL SUITS DISPOSED OF IN THE DISTRICTS OF THE PUNJAB, YEAR 1879.

12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
Rent suits not being suits under the Punjab Tenancy Act.						Suits under the Punjab Tenancy Act.											
Suits to recover arrears of rent from tenants without right of occupancy.	Suits to recover arrears of rent from tenants with right of occupancy.	Suits regarding illegal exaction, duress distraint or demand.	Suits regarding accounts, &c. by or against agents &c.	Suits to resume or assess land held exempt from revenue or rent.	Suits not included in cols. 12 to 16, not being suits under the Punjab Tenancy Act.	Suits under Section 5 by tenants of right of occupancy.	Suits to establish right of occupancy under Section 8 on other grounds than those mentioned in the previous Secs. of the Act.	Suits under Section 6 by landlords for rebuttal of presumptive right of occupancy.	Suits under Sections, 10 and 11 for enhancement of rent.	Suits under Section 14 for abatement.	Suits for arrears of rent where remission is allowed under Sec. 15.	Suits under Sec. 18 to set aside an award of division & appraisement of produce taken for rent.	Suits under Clause 1 of Sec. 19 by landlords for ejectment of tenants with right of occupancy.	Suits under Clause 2 of Sec. 19 by landlords for ejectment of tenants with right of occupancy.	Suits under Section 20 by landlords for ejectment of tenants without right of occupancy.	Suits under Sec. 25 by tenants to contest notice of ejectment.	Suits under Sec. 26 by tenants on account of illegal ejectment.
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
92	32	6	...	...	12	6	2	1	35	...	...	...	...	7	13	5	4
1,110	314	13	4	14	260	79	10	8	94	2	...	4	19	28	35	75	24
2,519	617	79	1	5	219	151	55	15	105	21	...	42	39	44	51	103	49
480	179	42	35	8	152	103	91	36	108	13	4	5	24	11	63	502	37
115	7	1	3	1	6	26	3	1	24	21	1	1	17	3	13	...	3
3	...	...	...	...	1	1	...	...	...	...	...	...	...	...	...	...	...
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
4,319	1,149	141	43	28	650	366	161	61	366	57	5	52	99	93	175	685	117

Concluded.

38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57
Suits.																			
Suits for a declaratory decree to establish or contest.													*Suits relating to betrothals, marriage, divorce, and dower.*						
Validity of adoption.	Validity of wills.	Validity of acts of Hindu widows.	Correctness of an entry in a record of rights under Sec. 20 of Act XXVIII. of 1871.	Other rights affecting immovable property not expressly provided for.	Other personal rights not expressly provided for.	Suits for or relating to partition.	Suits regarding the relative rights and status of superior and inferior holders of land.	Suits to settle partnership, and other accounts not being accounts for rent.	Suits to set aside or rectify any instrument, contract, order, award or judgment.	Suits relating to administration of trusts and religious endowments.	Suits to compel or prevent particular acts by way of injunction.	Suits relating to the revenue.	Suits connected with betrothals.	Suits for enforcement of matrimonial rights.	Suits for dissolution of marriage.	Suits connected with dower.	Suits relating to religion and caste.	Any suits not included in the foregoing columns.	Total.
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	6,677
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	11,854
...	1	1	...	9	98	27	19	6	11	2	...	238	79	9	...	5	...	52	12,475
2	3	5	38	209	45	223	61	110	46	2	21	1,025	569	3	2	211	3	411	137,297
14	2	5	59	352	111	113	245	78	67	4	25	2,164	150	15	...	24	1	330	33,499
52	5	22	57	464	143	137	75	102	131	10	10	500	559	999	84	100	3	268	38,502
24	7	...	40	47	18	34	44	64	31	...	1	19	88	167	4	14	...	27	4,640
...	...	...	3	...	2	...	...	1	...	...	2	...	...	6	2	...	...	14	155
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	3	...	...	...	3
92	22	33	197	1,081	417	534	444	361	286	18	59	3,946	1,445	1,199	95	354	7	1,102	245,102

IMPERIAL RETURN.

No. 7.

STATEMENT SHOWING THE VALUE OF SUITS DISPOSED OF IN THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1879.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
	Number of suits disposed of in different Courts.																				
Value of suits.	Honorary Courts.		Cantonment Small Cause Courts.		District Small Cause Courts.		Munsiffs' Courts.		Tahsil Courts.		Assistant and Extra Assistant Commissioners' Courts.		Judicial Assistants' Courts.		Deputy Commissioners' Courts.		Chief Court.	Total.		Total Value of Suits.	
	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.	Other.	Land.	Other.	Land.	Other.
Not exceeding Rs. 5	152	1,510	...	1,576	...	1,577	831	16,219	2,225	3,599	929	2,454	62	134	4	7	...	4,203	27,076	12,830	1,00,952
Do. ... 20	294	5,010	...	2,756	...	4,704	1,722	50,315	3,560	9,919	1,723	8,244	120	511	5	13	...	7,424	81,472	87,615	10,35,848
Do. ... 100	272	4,464	...	1,930	...	4,388	1,568	54,359	3,086	8,938	2,691	12,609	230	1,071	5	10	...	7,852	87,169	3,91,135	37,58,314
Do. ... 500	50	695	...	415	...	1,185	324	11,800	542	1,417	1,655	5,600	289	771	3	14	...	2,863	21,897	5,39,014	40,29,962
Do. ... 1,000	...	6	...	...	...	...	...	...	...	...	127	793	75	489	6	32	...	208	1,320	1,37,410	8,44,794
Do. ... 5,000	...	2	...	...	...	...	...	...	...	...	49	310	33	306	6	10	...	88	628	1,36,588	11,09,267
Do. ... 10,000	...	...	...	...	...	...	...	...	...	...	1	14	2	24	1	6	...	4	44	34,383	3,06,584
Do. 1,00,000	...	...	...	...	...	...	...	...	...	...	...	...	4	11	...	3	...	4	14	97,750	3,88,389
Exceeding 1,00,000	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	1	...	1,63,000
Suits of which the value cannot be fixed	2	18	...	...	...	...	86	73	142	71	451	1,452	117	391	4	25	3	802	2,033	...	...
Total ...	770	11,705	...	6,677	...	11,854	4,531	1,32,766	9,555	23,944	7,626	30,876	932	3,708	34	121	3	23,448	221,654	14,36,725	1,17,37,110

IMPERIAL RETURN.

No. 8.

STATEMENT SHOWING THE GENERAL RESULT OF THE TRIAL OF CIVIL SUITS IN THE COURTS OF ORIGINAL JURISDICTION IN THE PUNJAB DURING THE YEAR 1879.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
	Number of cases on the File.				Disposed of Without Decree.				Decree passed.												Average duration of suits.	
									Without contest.				With contest.									
Class of Courts.	Suits remaining from last year.	Filed in 1879.	Re-admitted and received by transfer.	Total for disposal.	Transferred.	Dismissed for default.	Withdrawn with leave.	Adjusted by mutual agreement.	Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	Judgment for plaintiff in whole or part.	Judgment for defendant.	Total disposed of.	Number of cases referred to arbitration.	Pending.	Pending over two months.	Pending over four months.	Plaints rejected or returned.	Contested.	Uncontested.
Small Cause Courts ...	717	18,342	281	19,340	...	2,097	157	1,904	2,441	3,747	3,302	59	3,914	1,189	18,810	238	530	11	6	326	17	12
Honorary Courts ...	688	12,235	521	13,444	4	2,343	77	1,439	1,044	3,064	994	70	2,856	866	12,757	204	687	25	34	48	28	20
Munsiffs' Courts ...	7,944	137,631	4,830	150,405	18	23,983	1,056	17,969	17,580	27,351	12,419	768	30,691	9,988	141,823	1,586	8,582	429	8	1,514	25	16
Tahsildárs' and Naib-Tahsildárs' Courts.	1,531	33,412	1,474	36,417	13	5,814	554	4,719	3,346	5,856	2,396	259	8,353	3,518	34,828	762	1,589	67	17	622	27	20
Asst. and Extra Asst. Commissioners' Courts.	3,302	37,773	1,659	42,734	5	8,020	543	3,556	2,829	5,654	3,106	272	10,541	5,353	39,879	841	2,855	310	33	1,834	35	23
Judicial Assistants' Courts.	528	4,643	202	5,373	9	596	109	355	266	734	327	16	1,617	802	4,831	142	542	89	39	260	54	35
Deputy Commissioners' Courts.	20	147	3	170	1	12	2	10	5	16	12	1	64	36	159	6	11	2	3	36	31	25
Chief Court ...	...	4	...	4	...	...	1	1	...	...	1	...	...	...	3	...	1	...	...	1	...	119
Total ...	14,730	244,187	8,970	267,887	50	42,865	2,499	29,953	27,511	46,422	22,557	1,445	58,036	21,752	253,090	3,779	14,797	933	140	4,641	29	18

IMPERIAL RETURN.

No. 9.

STATEMENT SHOWING THE BUSINESS OF THE CIVIL APPELLATE COURTS OF THE PUNJAB DURING THE YEAR 1879.

1	2	3	4	5	6	7	8		9	10	11	12	13	14	15	16	17	18	19	20	21
	For disposal.				Disposed of.																
							Heard ex-parte.				Contested.										
							Confirmed.														
Class of Courts.	Remaining from last year.	Instituted in 1879.	Re-admitted and received by transfer.	Total.	Transferred to other districts.	Dismissed for default, or under Section 557 of Act X of 1877.	Under Sec. 551 of Act X of 1877.	In absence of Respondent.	Modified.	Reversed.	Confirmed.	Modified.	Reversed.	Remanded.	Total.	Pending at end of year.	Pending over two months.	Pending over four months.	Average duration.	Objections under Section 561, Act X of 1877.	Objections allowed.
Assistant Commissioners' Courts.	17	129	...	146	...	12	12	32	...	1	51	5	17	3	133	13	...	1	22	...	...
Judicial Assistants' Courts ...	701	7,698	204	8,603	8	503	1,163	822	27	84	2,610	563	1,168	1,011	7,959	644	149	47	27	16	8
Deputy Commissioners' Courts	111	1,973	31	2,115	...	128	382	163	7	28	556	150	296	176	1,886	229	40	70	31	...	...
Total ...	829	9,800	235	10,864	8	643	1,557	1,017	34	113	3,217	718	1,481	1,190	9,978	886	189	118	29	16	8
Commissioners' Courts ...	593	3,548	66	4,207	4	164	324	224	4	19	1,695	149	731	227	3,541	666	211	134	70	5	1
Chief Court. Regular ...	234	349	...	583	5	11	...	97	...	...	135	17	72	25	362	221	26	148	216	...	...
Chief Court. Special ...	353	1,252	1	1,606	14	16	...	691	...	...	177	15	65	158	1,136	470	75	315	106	1	...
Chief Court. Total ...	1,180	5,149	67	6,396	23	191	324	1,012	4	19	2,007	181	868	410	5,039	1,357	312	597	88	6	1
Grand total ...	2,009	14,949	302	17,260	31	834	1,881	2,029	38	132	5,224	899	2,349	1,600	15,017	2,243	501	715	49	22	9

IMPERIAL RETURN.

No. 10.

STATEMENT SHOWING THE EXECUTION OF THE DECREES OF THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1879.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Class of Courts.	Applications to Execute Decrees.										Nature and number of coercive processes issued.					
												Movable property.		Immovable property.		
	Pending.	Filed in 1879.	Received by transfer.	Total.	Decrees completely executed.	Decrees partially executed.	Applications wholly infructuous.	Transferred.	Total disposed of.	Pending	Arrest of person.	Attached.	Sold.	Attached.	Sold.	Orders under Sections 305, or 326, of Act X of 1877.
Small Cause Courts	463	12,875	41	13,379	3,290	5,467	3,532	644	12,933	446	2,189	6,062	443	...	...	...
Honorary Courts	573	4,724	14	5,310	2,341	1,203	1,044	25	4,613	697	151	3,297	748	341	157	5
Munsiffs' Courts	10,906	73,651	135	84,692	27,024	23,563	21,457	91	72,135	12,557	3,534	51,805	13,264	5,073	1,871	366
Tahsildárs' and Náib-Tahsildárs' Courts.	2,378	19,002	122	21,502	8,440	5,222	5,588	125	19,375	2,127	887	11,321	2,483	1,174	289	67
Assistant and Extra Assistant Commissioners' Courts.	6,368	27,152	505	34,025	9,818	8,336	10,478	204	28,836	5,189	2,187	14,581	4,411	3,581	1,463	223
Judicial Assisitants' Courts ...	419	2,148	18	2,585	779	734	5,511	20	2,087	498	98	951	247	277	74	5
Deputy Commissioners' Courts	21	28	...	49	14	6	26	...	46	3	10	12	...	8	3	...
Total ...	21,127	139,580	835	1,61,542	51,706	44,531	42,679	1,109	1,40,025	21,517	9,056	88,029	21,596	10,454	3,857	666

Proceedings of the Hon'ble the Lieutenant Governor of the Punjab, in the Home Department,—No. 3856, dated 3rd December 1880.

READ—

The Annual Report on the Administration of Civil Justice for the year 1879.

REMARKS.—The number of original suits instituted in the courts of the Province during 1879 amounted to 244,187, which was less by 2,058 cases than the number in 1878. The decrease occurred entirely in the Small Cause Courts, but, owing to the changes in the number and in the territorial jurisdiction of these courts which have taken place recently, the fluctuation is not remarkable. There was a decrease of 3 per cent. in the number of suits brought by money-lenders against agriculturists.

2. Nothing in the fluctuations of the present year calls for very special notice. The war in Afghanistan has given much activity to local trade; the prices of all produce and provincial manufactures have been high throughout the year; and there has no doubt been generally less leisure for litigation than usual.

3. The number of cases for disposal was 267,887, or 2,296 more than in the previous year. This is due to the larger balance of cases left undecided at the end of 1878, and to the increased number of re-admissions of dismissed cases during 1879. The actual number of cases disposed of was 2,229 more than last year, the percentage being the same as before, 94·5. The undecided cases at the close of the year were thus more numerous by 67 than on 31st December 1878. The proportion of cases contested to the whole number, which has fallen by 1 per cent. every year since 1875, fell this year by 2 per cent. to 31. Cases dismissed in default remained at the former figure of 17 per cent., and suits decided *ex parte* rose from 9 to 10 per cent. Of the first class, nearly one-third of the cases were restored to the file or became the subject of new suits; while as regards the latter, applications were made to set aside the order in only one-tenth of the number of cases. In cases where review of judgment was applied for, more than one-fourth of the petitions preferred proved ultimately successful. The references made to arbitration were somewhat fewer than in 1878; they occurred chiefly in the courts of Tehsildars and Honorary Civil Judges, and out of 3,686 cases the awards in 4 only were reversed. His Honor considers that the great increase in suits admitted *in formâ pauperis* in the Ludhiana district calls for explanation.

4. The average duration of contested civil cases rose from 27 to 29 days. In uncontested cases it was the same as last year, *viz.*, 18 days. The duration of contested cases in the courts of Extra Assistant Commissioners and Judicial Assistants, which averages 35 and 54 days respectively, is perhaps too long, and the general average duration in Gujrat and Hoshiarpur was much too high. This was especially the case in the former district, where the number of cases dismissed in default was very large; and neither in this district nor in those of Jhang and Rohtak, in both of which the civil work is light, is there any reason for the investigations having been so protracted. In the District Small Cause Courts the duration of contested and uncontested cases fell from 18 and 17 days to 15 and 14, while as regards appeals the period rose from 27 to 29 days in District Courts, and from 83 to 132 days in the Chief Court, and fell from 91 to 70 days in Commissioners' Courts. With reference to the complaint made in some districts that the duration of cases is enhanced by the delay in the return of references made to courts out of the district, the Lieutenant-Governor remarks that the statistics at present show delay caused in deciding cases in the districts which send references and do not give any account of the manner in which such references are treated in districts which receive them. It is therefore impossible to judge if the excuse is reasonable or not.

5. The new classification of civil suits adopted for the first time in the returns of the present report has made it impossible to institute any comparison between the figures of certain classes in the present and former years, and with regard to these His Honor will await the further report promised by the Judges. The increase of applications under Act XXVII. of 1860 seems to show that the provisions of the Bill for granting probate and letters of administration in certain cases are likely to prove useful. A decrease in the number of suits on registered bonds, which now amount to only half the number instituted in 1876, is again noticeable; the Lieutenant-Governor agrees with the conclusion at which the Judges have arrived on this point, and considers that, for reasons which are not very clear, the registration of bonds does not find favor with the people of the Province. On the other hand, there has been an increase of 7 per cent. in suits on unregistered bonds. The advance in the number of suits under the Tenancy Act is largely due to the transfer of this class of cases from the Settlement to the District Courts in several localities; the very special features presented in the Sirsa District have already attracted the attention of Government in the Revenue Department, and will form the subject of a special report. Suits against agriculturists still continue very numerous in Sialkot and Gurdaspur, and this is no doubt chiefly due to the fact that the proportion of the agricultural to the trading population is large in both districts.

6. Of the whole number of cases tried 56 per cent. were disposed of by the Munsiffs. These figures alone suffice to show the revolution which has taken place in the disposal of civil suits in the Province since these courts were created in 1876. The report regarding the work of Munsiffs is, the Lieutenant-Governor considers, very satisfactory. The average number of cases tried by Tahsildars was 230, twice as many land suits being decided by them as by the Munisffs: this is as it should be. The number of cases tried by Tahsildars in the Bannu and Rohtak districts was undesirably large, and should be reduced if possible. Thirteen per cent. of the civil cases of the year were tried by European Officers, and 87 per cent. by Native Judges. The average number of cases tried by Extra Assistant Commissioners and Judicial Extra Assistant Commissioners increased largely; the number decided by Assistant Commissioners has also increased, but is still not large; the amount of work done by the Honorary Civil Judges is, in His Honor's opinion, very creditable to them.

7. His Honor observes with satisfaction that the suits against agriculturists instituted in Small Cause Courts have fallen from 1,184 to 796. This subject was specially noticed last year, and the Lieutenant-Governor trusts that a still further diminution will be seen in the future.

It would be convenient for ready comparison of the amount of work performed by courts of each class if the number of courts were also stated, and the Lieutenant-Governor would be glad to see this information given in future reports.

8. As noticed in the review of last year, the proportion of decrees fully executed to the whole number reaches an unusually high figure in the Peshawar, Derajat, Rawalpindi and Mooltan Divisions, in three districts of which only does it fall as low as the provincial average. The full execution of decrees was most successful in the courts of Honorary Judges. Realizations by means of attachment of property have fallen during the year by 4 per cent. from the figures of 1878, and realizations by arrest have risen in the same proportion. His Honor agrees with the Judges that the statistics under this head of the administration of Civil Law should show the number of proceedings in bankruptcy. The sums due and realisable on account of decrees passed are very large in Jullundur, Hoshiarpur and Umballa; in no other district of the Province does the amount approach within Rs. 60,000 of the figures for these three districts. The Lieutenant-Governor regrets that the system of making over the execution of decrees to one officer at the head-quarters of each district has not been so fully carried out or noticed as is desired by the Judges.

9. There was a slight falling off during the year in the number of cases appealed in proportion to those appealable as compared with 1878. The high proportion in Bannu and Jhelum is said to be due to land cases arising at settlement, and this is probably the case in Ludhiana as well. But though the number of appeals instituted fell off, the number of cases undecided at the end of the year was larger than in 1878, and except in Commissioners' Courts, the period of average duration of each suit rose. The decrease in the appellate work of divisional courts has been considerable, though nothing approaching that of 1877; but nevertheless these courts have not been relieved as much as was expected by the measures taken in 1878. The Lieutenant-Governor trusts, however, that the alterations made since the close of the year in the distribution of appellate work between Commissioners and Additional Commissioners will relieve the former to some extent. The efforts made to lighten the burden of these courts have been baffled hitherto by a large increase in suits regarding land; but it is satisfactory to note that relief has been afforded in the Jullundur, Umballa and Lahore Divisions. The judgments of all grades of courts have not stood the test of appeal so well during the past year as in 1878, as will be seen from the following figures:—

Proportion of cases modified on appeal.	In the District Courts.		In Commissioners' Courts.		In the Chief Court.	
	1878.	1879.	1878.	1879.	1878.	1879.
Modified	7·8	7·6	4	4	1·9	2·1
Reversed	15·8	16·	19	21	6·5	9·1
Remanded	10·3	11·9	6	7	7·9	12·2
Total ...	33·9	35·5	29	32	16·3	23·4

The number of cases disposed of by the Chief Court fell off by 232, and the pending file at the close of the year included 104 more cases than in 1878.

10. In conclusion, the Lieutenant-Governor considers the results of the administration of Civil Justice during the past year to have been satisfactory, and he is glad to observe that the Judges are of opinion that the supervision of the courts subordinate to them by Divisional and District Officers is good. His Honor desires to acknowledge the excellent manner in which the Judges of the Chief Court have fulfilled their duties during the year.

ORDER.—Ordered, that a copy of the above Review be furnished to the Registrar of the Chief Court for information of the Judges and for circulation with the Report.

Also that the Remarks be published in the *Punjab Government Gazette.*

By order of the Hon'ble the Lieutenant-Governor, Punjab,

W. M. YOUNG,

Secretary to Government, Punjab.

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